

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Jail Services and Incarceration Alternatives and King County District Court Update
<b>DEPARTMENT:</b>	City Manager's Office
<b>PRESENTED BY:</b>	Alex Herzog, Management Analyst
<b>ACTION:</b>	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

Recently, a few questions have been raised about the City's jail services and alternatives to incarceration for individuals charged with misdemeanor or gross misdemeanor offenses by the City's prosecuting attorney. This discussion item explores each of those along with various 'judiciary tools' that may be utilized as the situation warrants.

There are a number of sentencing alternatives to incarceration, including electronic home monitoring and work release. Further, there are a number of judiciary tools available to defendants should a defendant meet certain conditions. For example, defendants may take advantage of King County's Regional Mental Health Court (RMHC) and Regional Veterans Court (RVC) if eligible.

This item also includes an update on Court operations and new initiatives by King County District Court Presiding Judge Donna Tucker.

**RESOURCE/FINANCIAL IMPACT:**

Though this discussion item has no resource/financial impact, there are various costs associated with criminal justice which may be affected by a number of factors. For example, arrest rates may affect the number of cases filed by the City's prosecutor and ultimately the frequency and number of jail sentences per year. An increase or decrease in each can greatly affect the City's, defendants' and Court's costs.

Regarding jail costs, the Adopted 2014 Budget included \$1,323,578 for jail costs and \$13,325 for vehicle costs (for the rental, repair and maintenance charges for the jail transport van), totaling \$1,336,903. The 2014 actual costs for jail services were \$2,302,076. Costs for 2014 increased significantly due to the City's transition from the Snohomish County Jail to King County Jail, and ultimately to the City's current primary booking and jail facility, the South Correctional Entity (SCORE) jail. Looking ahead to 2015, costs will most likely be less than those incurred in 2014 due to the City's transition to SCORE jail in September 2014. From October through December 2014, jail

costs averaged \$156,062 per month. If this monthly average continues for 2015, total costs for jail services would be \$1,872,744. The Adopted 2015 budget included \$1,600,000 for jail services. Staff will continue to monitor these costs going forward.

### **RECOMMENDATION**

No formal action is required at this time. Staff recommends that Council discuss the various sentence alternatives and determine if there is additional information needed that staff may bring back for further discussion.

Approved By:        City Manager ***DT***    City Attorney ***MK***

## **BACKGROUND**

Councilmember Roberts and Councilmember Salomon have requested that this topic be introduced as a discussion item to further understand all available judiciary tools and alternatives to jail sentences.

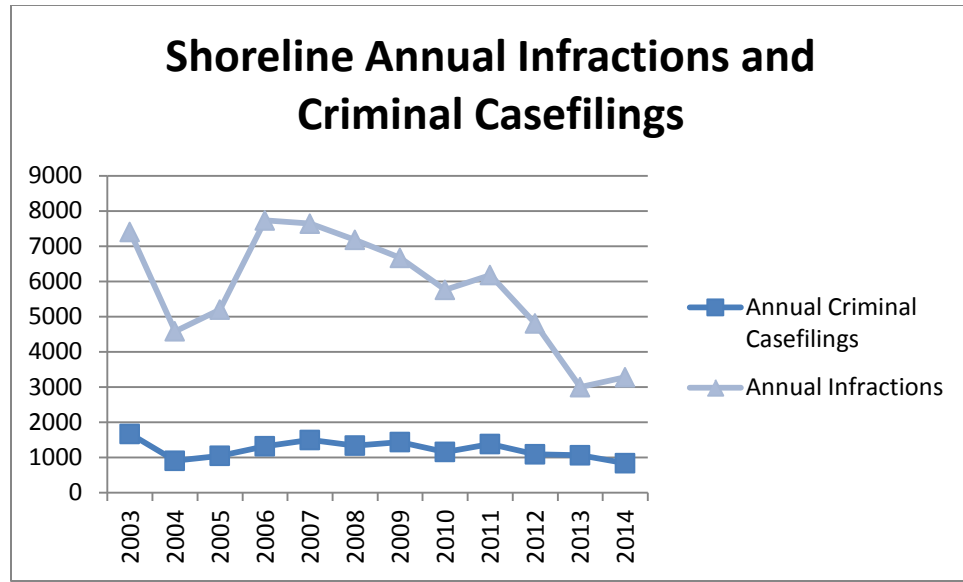
As with most cities in the country, Shoreline does not handle felonious crimes. The county judicial system (King County Superior Court) handles felony crimes, while the City is responsible for providing municipal court services for adjudicating all misdemeanor crime. The City does this by contracting with the King County District Court system, including the division in Shoreline where the City's cases are heard. District Court deals with everything from parking tickets and traffic infractions to misdemeanors and gross misdemeanors, which is the highest level of crime the City is responsible for.

Unless otherwise noted in state statutes, gross misdemeanors carry a sentence of imprisonment in the county jail for a maximum term fixed by the court of up to 364 days, or by a fine in an amount fixed by the court with a maximum of \$5,000, or some combination thereof (RCW 9.92.020). The statute of limitations for gross misdemeanors, or the time period within which a legal proceeding must be commenced, is two years.

Misdemeanors carry a sentence of imprisonment in the county jail for no more than 90 days, or by a maximum fine of no more than \$1,000, or some combination thereof (RCW 9.92.021). The statute of limitations for misdemeanors, or the time period within which a legal proceeding must be commenced, is one year. If the City fails to bring a case within the statute of limitations, it loses its right to prosecute that crime forever.

### ***Shoreline Case Filings***

The City's overall number of case filings, which includes both criminal and civil infraction cases, has been trending downward for the last few years, beginning in 2007. There is no singular answer as to why this might happen. Crime rates are often affected by a wide variety of factors including demographics, administrative and investigative emphases of law enforcement, education levels and family conditions.



### ***Jail Sentencing***

Misdemeanant and Gross Misdemeanant sentences may be handed down for a wide variety of criminal offenses. And, in some cases, a jail sentence may be given if an offender has violated the terms of an initial non-jail sentence. Jail sentences are statutorily required upon conviction for some crimes. For instance, jail sentences are required for those convicted of Driving While License Suspended in the first degree and Driving Under the Influence (commonly referred to as DWLS 1 and 'DUI, respectively).

### ***SCORE Jail***

As Council is aware, since September 1, 2014, the City's primary booking and jail facility has been the South Correctional Entity (SCORE) Jail and statistics on jail days associated with the City are difficult to determine. A number of factors affect how jail days are billed to a City. A number of protocols have been established to appropriately account for the multitude of ways in which jail days are credited to the City. For example, defendants may be booked on multiple charges (sometimes resulting from other jurisdictions), sentences may be suspended, a judge may deem jail days served during pre-disposition as sufficient punishment for an offense, an inmate may be released from jail only to return later--sometimes months later--to serve a jail sentence, or alternatives to jail sentences may be imposed (such as electronic home monitoring).

From September 1, when the City began using SCORE jail, to December 31, 2014, a total of 313 defendants were booked into SCORE. A total of 4,382 jail days were served. The total actual costs incurred for services at SCORE during 2014 were \$403,597.

### ***King County Jail***

After transitioning out of the Snohomish County Jail in the spring of 2014, the City began using the King County Jail as its primary booking and jail facility. In 2014, a total of 585 defendants were booked into the King County Jail. A total of 9,349 jail days were served. The total actual costs incurred for services at the King County Jail during 2014

were \$1,754,586. King County Jail costs for services, bookings, and jail days are significantly higher than those of the Snohomish County jail and SCORE.

The City still has a contract with King County Jail and uses it when needed. For instance, King County Jail is utilized when a defendant is booked or jailed on charges from multiple jurisdictions or on felony and City charges.

## **DISCUSSION**

The criminal justice system is a clear example of the basic organizational separation of powers that defines American governments. Each branch has an important and limited role. Because of this, much of the criminal justice process is not within the City's administrative locus of control. Further, a number of factors may affect a defendant's path through the criminal justice system.

After a defendant is charged with a particular crime, much of the ensuing judicial process, including the sentence and manner in which the defendant's case is routed through the court system, is ultimately determined by a judge and, in some cases, court staff. For example, fines and fees associated with a particular offense are ultimately decided by a judge whose decision may take into account the facts of the case, the defendant's prior criminal record and the prosecution's recommendations. Generally, the prosecution's recommendations aim to find a balance between punishment for the offense and community safety. Alternatively, there are different judicial paths for which a defendant may be eligible, such as Mental Health Court. Though uncommon, a person may be arrested on various charges, and then released, with no charges ever being filed. Occasionally, this is because the charges have been rejected by the prosecution. If charges are filed, there are a number of paths which a defendant may take toward resolving the case.

Generally speaking, there are a number of alternatives to jail in the judicial process for misdemeanor crimes, and the City supports use of these alternatives when appropriate. Work release, electronic home monitoring, and Regional Veteran's Court and Regional Mental Health Court (both functions of the King County District Court system) and other alternatives are all used depending on a particular case and offense. Some of these judiciary tools and sentencing alternatives may have specific rules, processes or circumstances in which the City may have various impacts. For instance, the RVC has a number of eligibility criteria (discussed further below) on which the City has no impact, including veteran discharge status, and the defendant's potential mental health and chemical dependency issues.

### **Alternative Judiciary Tools**

#### ***King County Regional Mental Health Court (RMHC)***

The RMHC consists of a team of professionals who have specialized training and experience with mental health issues and therapeutic courts. They meet regularly to ensure that the RMHC functions at the highest possible level.

To have their case heard by the RMHC, defendants must meet certain eligibility requirements, including:

- The criminal act occurred in King County
- The defendant must have a major mental illness
- The defendant is amenable to treatment
- The defendant is agreeable to Mental Health Court conditions, supervision and monitoring

For reference, the King County Mental Illness Court is not the same as the RMHC. The RMHC handles criminal cases, whereas the Mental Illness Court is a function of the Superior Court system and handles civil commitments.

### ***King County Regional Veterans Court (RVC)***

Created by legislation adopted by the King County Council in 2011, the RVC opened as a component of King County District Court's Regional Mental Health Court.

By focusing exclusively on veterans and their unique circumstances, the new Veterans Treatment Court will be equipped to help veterans suffering from substance abuse and mental health issues, including Post Traumatic Stress Disorder (PTSD). The "signature injuries" of the Iraq and Afghanistan wars, PTSD and Traumatic Brain Injury (TBI) can make it more difficult to reintegrate into civilian life and potentially trigger behaviors that draw veterans into the criminal justice system.

The RVC focuses on treatment and rehabilitation rather than incarceration for low-level, non-violent offenders. The Court will connect eligible veterans to treatment and counseling services available through the federal Department of Veterans Affairs (VA). The VA coordinates with local governments and criminal justice agencies to identify justice-involved veterans and connect them with services as part of its Veterans Justice Outreach Initiative.

Eligibility requirements for the RVC include:

- Criminal charges originating in King County
- Individual currently meets diagnostic criteria for Post-Traumatic Stress Disorder or a severe and persistent mental illness
- Individual is eligible for VA healthcare services
- Individual demonstrates a willingness and ability to engage in treatment and probation and abide by court conditions

### ***Screening for RMHC and RVC***

For a case to reach the RMHC or RVC it must be referred by the City Prosecutor. If the defendant's case is pending in a King County Municipal Court, the Prosecutor currently assigned to the case must make the referral. If the defendant is charged with a misdemeanor and the case is being prosecuted by the King County Prosecutor's Office, anyone, including defense counsel, can refer the case to RMHC.

Once a case is referred, the RMHC paralegal will notify court staff, the City Prosecutor and City Defense Counsel. If the defendant is out of custody, the defense counsel must coordinate the RMHC Court Clinician to conduct the eligibility screening. If the defendant is in custody, the Court Clinician will conduct the screening at the jail. Defendants may meet with the Court Clinician and the RMHC or RVC team one or more times and to screen for program eligibility. If the defendant is eligible for RMHC and amenable to program requirements, the Court Clinician will draft a plan specific to the defendant's needs. Participation in the RMHC or RVC is voluntary and defendants may decline this path even if they qualify.

If a case is assigned to either RMHC or RVC, the City's prosecution is no longer involved in the case as it becomes a County case. As such, the County incurs costs associated with the case from that point forward, including costs associated with prosecuting, defending, adjudicating, jailing and providing other sentences.

In 2013, a total of 16 defendants were referred, or provided the opportunity, to participate in either RMHC or RVC, nine of which 'opted in' or accepted the opportunity. In 2014, 20 were referred, and 7 opted in.

### ***Drug Court/Community Court***

Some jurisdictions offer 'drug court' or courts that serve chronic offenders and offenders who commit low-level crimes, fail to comply with sanctions and/or fail to appear for Court. Also, this sort of court offering usually results in sentences other than jail as offenders could be more effectively rehabilitated through alternative strategies. King County District Court does not offer this service and thus, it is not available to Shoreline defendants.

## **Sentencing Alternatives**

### ***Community Center for Alternative Programs***

Community Center for Alternative Programs (CCAP) holds offenders accountable to a weekly itinerary directed at involving the offender in a continuum of structured programs. The goal of CCAP is to assist offenders in changing those behaviors that have contributed to their being charged with a crime. CCAP provides on-site services as well as referrals to community-based services. Random drug tests are conducted to monitor for illegal drug use and consumption of alcohol. Offenders participating in CCAP receive an individual needs assessment and are scheduled for a variety of programs.

King County's CCAP is primarily geared toward felons, and currently, the program is at capacity.

### ***Community Work Program***

King County's Community Work Program (CWP) allows judges in the County's District Court system to sentence offenders to work crews to perform supervised manual labor for various public service agencies. The program is designed to provide a diversion from jail for low-level, low-risk offenders and a visible restitution to the community and is most

often utilized for probation violations, suspended driving cases, and other minor offenses. A sentence to CWP does not include booking an offender into jail.

Offenders are sentenced directly to the CWP and may work off their fines, regain their driver's license (depending on the crime) or complete the terms of their sentence. CWP projects typically include various types of landscaping, habitat restoration and invasive species removal. CWP crews function year round and offer services Monday through Saturday.

CWP is an available sentencing alternative to all cities that contract with King County for District Court services. The program is funded jointly by the County's general fund and through payments from jurisdictions and organizations in receipt of services by laborers in the CWP of \$640 per day service.

In 2014, a total of 80 offenders were sentenced to this program from the Shoreline District Court. King County's court management system does not allow further data on these cases and thus, it is difficult to determine if these cases stemmed from City of Kenmore, City of Shoreline or King County cases. King County Department of Adult and Juvenile Detention staff estimates that the majority of the 80 offenders sentenced by the Shoreline District Court to CWP were City of Shoreline cases.

### ***Consumer Awareness Class***

Consumer Awareness Class may be an appropriate sentence for theft crimes such as shoplifting, theft, theft of services, and similar offenses. In general, if the property stolen during a theft crime was worth less than \$750, it is considered a misdemeanor theft charge. Courts may require a defendant to perform a consumer awareness program when the defendant enters a stay of proceedings on a theft case. The course helps students examine their value system and make a commitment to learn from their mistakes. Class goals are based on the belief that a student will choose legal behaviors and admit to accountability if provided with options, made aware of their role in the community and are provided with strategies to help them make the attitude, belief and values shift to more legal, productive behaviors. The class costs \$65 (typically incurred by the offender) and is four hours long, usually on a weekend. This class has not historically been recommended by the Prosecutor for Shoreline defendants.

### ***DUI Victims Impact Panel***

In many DUI and other alcohol-related offenses (as well as those not including operation of a motor vehicle), a DUI Victim Impact Panel may be included in sentencing. The Seattle King County DUI Victims Panel helps offenders to take responsibility for their actions. The Panel gives offenders the opportunity to hear the stories of real victims of drunk driving, giving them a unique first-person perspective on DUI and alcohol-related offenses. It is hoped that upon hearing from the Panel, offenders will never again drink and drive. Attending a Panel class costs \$60 (typically incurred by the offender) and is 90 minutes long. A sentence to the DUI Impact Victims Panel is ordered in all alcohol-related driving cases and a majority of Minor in Possession cases.



### ***Electronic Home Monitoring (EHM)***

An EHM sentence is most often given to those charged with or convicted of alcohol- or drug- related offenses, and is mandatory for some crimes. As opposed to a sentence after conviction, EHM may also be offered as a pre-trial alternative. For example, the prosecutor may recommend to the judge that the offender be released on personal recognizance on the condition that the offender submits himself to EHM. A personal recognizance release is a written promise signed by the defendant promising that they will show up for future court appearances and not engage in illegal activity while on release.

Commonly, if the offender is in violation of the terms or conditions of the EHM sentence, the court will issue a summons and ask the offender to explain why a violation occurred. Depending on the severity of the violation, the judge may issue a warning, may sentence the offender to more time on EHM, or if serious enough, the judge may terminate the EHM sentence and take the offender into custody. Alternatively, EHM may also be a pre-trial alternative.

The City contracts with Stay Home Monitoring, Inc. for EHM services. Stay Home Monitoring conducts spot-checks on clients outside their residence at least once every other week. This is the most effective way to confirm client compliance with meetings such as Alcoholics Anonymous, where verification can be difficult. Stay Home Monitoring also verifies any appointments, such as doctors or probation and may even verify treatment schedules with the treatment provider. Generally, those on EHM are allowed to go to work during their sentence after the employer confirms work hours and location.

In 2013, 12 offenders' sentences included EHM, for a combined total of 654 days. In 2014, these numbers increased to 31 offenders' sentences including EHM, for a combined total of 1,274 days.

There are a number of varieties of EHM:

#### **Standard Electronic Home Detention**

A 'base unit' is connected to the phone line in the residence and an ankle bracelet to the offender's ankle. The EHM base unit obtains a continual coded signal that is transmitted from an ankle bracelet device. The base unit can ascertain if the ankle bracelet is removed by the wearer or has in some way been tampered with, altered, or damaged. The monitoring unit also detects when the wearer enters or exits the home residence.

The telephone line is used to obtain the information transmitted by the ankle bracelet, as well as to receive the information from the monitoring unit. This information is, in turn, sent to the EHM provider via the phone line, as well. The EHM provider is charged with the task of distributing status reports to the appropriate court or probation official monitoring the wearer's case.

#### Electronic Home Detention with Alcohol Monitoring

Generally, this variety is the same as the Standard Electronic Home Detention with the addition of Alcohol Monitoring. Alcohol monitoring equipment that requires the offender to randomly provide a breath sample to test for the presence of alcohol will be added. Alternatively, a transdermal alcohol detection device that continuously samples and tests perspiration for the presence of alcohol may be installed.

#### Alcohol Monitoring only

Alcohol monitoring equipment that requires the offender to randomly provide a breath sample to test for the presence of alcohol, or a transdermal alcohol detection device that continuously samples and tests perspiration for the presence of alcohol may be installed.

#### GPS Tracking

A GPS tracking unit is attached to the offender's ankle. Stay Home Monitoring coordinates with the court to monitor any areas to which the offender is excluded from going or areas required to remain.

### ***Restitution***

Restitution is a type of remedy available in many civil cases and in some criminal cases in which the convicted defendant pays the plaintiff for damage caused. Restitution is commonly awarded for two main purposes: 1) to "make the victim whole" and restore them to their financial status before the offense occurred; and 2) to prevent the unjust enrichment of the defendant (i.e., prevent them from keeping unlawful gains).

As an example, a defendant has stolen property belonging to the plaintiff. However, suppose that the defendant has already sold the stolen property, and it can no longer be located. In this case, the court cannot order the defendant to return the property, since it has already been sold. Thus, the court may order the defendant to pay restitution in order to "make the plaintiff whole", or to restore them to their economic position before the theft occurred.

Typically, when a financial loss to the victim can be proven, the City's Prosecutor requests that restitution is paid.

### ***Treatment Programs for Alcohol/Drugs/Domestic Violence/Mental Health***

There are a number of treatment providers for a range of offenses and conditions. Sentences will generally only include State-certified providers for mental health services, batterers, and chemical-dependency treatment providers.

### ***Work Education Release***

Work Education Release (WER) is an alcohol and drug free residential alternative where offenders go to work or treatment during the day and return to jail at night. Conversely, offenders who typically work at night are required to spend the day at the facility. Random drug testing is used to monitor for use of illegal drugs and consumption

of alcohol. Offenders are required to pay room and board on a sliding scale based on their hourly rate of gross pay. They also pay restitution, child support or court costs as required by the Court. Offenders are involved in a case management process that directs them to structured programs and/or treatment.

Currently, only King County offers this service, and the program is at capacity due to physical space limitations. In 2014, 38 City of Shoreline offenders were sentenced to 1,555 days of WER at the King County Jail. The City's primary jail, SCORE, does not offer this service. The City however has confirmed with the Shoreline District Court Judges that if a Shoreline defendant is sentenced to WER, Shoreline will utilize the King County Jail for this service, space dependent. As Council may recall, while SCORE is the City's primary jail services provider, the City does still have a jail contract with King County for back-up jail services and for instances such as this.

### **King County Jail Population Management**

In addition to information on available judiciary tools and alternatives to jail sentences, Councilmember Roberts also requested further information on King County's jail population and efforts the County is pursuing to manage costs and its jail population. King County's actions with regards to its jail population and management thereof, generally speaking, will not affect the City's operations or processes, as the City's primary booking and jail facility is SCORE. The City will continue to pursue all available options in finding a balance between public safety, criminal justice costs and appropriate treatment and punishment for defendants.

Over the last few years, the King County Department of Adult and Juvenile Detention has had challenges funding its jails system. In fact, the jail system is the single largest net cost of King County government. The underlying challenge being that the revenue tools available to counties are inadequate to keep up with inflation and population growth. The County has estimated a \$54 million shortfall in preparing the 2015/2016 Proposed Budget. And, after declining for several years, the jail population rose in 2014, compounding financial issues. To address these issues the County has convened a Jail Population Management Workgroup which has recently developed a Jail Population Management Plan.

The Workgroup has identified several potential ideas for reducing the jail population outside of the Plan, including:

- Shortening the time between plea or verdict and sentencing, which often would move individuals out of the County system sooner.
- Shortening the time between first appearance and arraignment, recognizing that many individuals are released on personal recognizance or bond once they are arraigned.
- Reducing the wait times for inmates being held in County jails who are awaiting mental health competency restoration because of the shortage of beds at Western State Hospital

- Setting up a system so more individuals booked for Failure to Appear see a judge within a day.

The County will continue to work to implement various efficiencies. If the County is unable to create efficiencies, an additional last-resort option currently under study is to book, assess, but not house lower-level pre-trial detainees who are booked for investigation of certain felonies or on a first Failure to Appear for certain types of misdemeanor warrants. The impact of this change is thought by the County to be minimal as the result would mean releasing some individuals in a few hours when they would have been released in a few days. If this policy were implemented, all individuals would be booked, fingerprinted, checked for warrants, and screened as usual. And, law enforcement agencies would be able to override the release of any person deemed a higher public safety risk than their booking charges might indicate. Executive staff will continue to refine details of the “book, but not house” concept for implementation after June 1, 2015 if the County is unable to develop and implement other efficiencies and options.

The County currently has the resources needed to maintain operations without having to implement the Plan until June 1, 2015.

### **Cost Benefits of Incarceration Alternatives**

Generally, there is a cost benefit to sentences other than jail. However, explicitly quantifying such is difficult because of the myriad of sentences, possible adjudication paths, prosecutorial recommendations and judge decisions. For example, jail costs alone may be affected by a number of factors. The City absorbs the daily jail housing cost and any additional costs associated with necessary medical treatment and transporting the offender to and from medical appointments. Similarly, the level of monitoring for offenders sentenced to electronic home monitoring can have an impact on the daily rate; those sentenced to Electronic Home Detention with Alcohol Monitoring pay a higher daily rate than those sentenced to Standard Electronic Home Detention. Typically, the City does not incur costs for electronic home monitoring, but may if the offender cannot afford to pay for the equipment associated with the sentence terms.

Additionally, the costs above are not inclusive of any fines or court fees leveled upon the offender.

<b>Sentence</b>	<b>Base Cost to City Per Day</b>	<b>Approximate Base Cost to Offender Per Day/Event</b>
Community Work Program	\$0	\$0
Consumer Awareness Class	\$0	\$65
DUI Victims Impact Panel	\$0	\$60
Electronic Home Monitoring	\$0	\$14 (2014 rate)
Work Release (King County Jail)	\$102.41	based on hourly rate of gross pay
Jail (SCORE)	\$97 (Guaranteed bed rate)	\$0
Jail (King County)	\$146.65	\$0

## **City Usage of Alternative Judiciary Tools and Sentencing Alternatives**

As noted, there are a number of judiciary tools and alternatives to jail sentences. Alternative sentencing is by and large beneficial to both the City and defendants. Costs for alternatives to jail sentences are lower for the City and may find balance between punishment and treatment. Many sentences associated with a particular offense are ultimately decided by a judge whose decision may take into account the facts of the case, the defendant's prior criminal record and the prosecution's recommendations. Further, given the organizational limitations inherent in the justice system (i.e. separation of powers), the City has only a number of ways in which it may have an impact on the outcome of a particular charge.

## **King County District Court Update**

In the King County District court system, the City has two judges that adjudicate its cases. The court system also elects a Presiding Judge as voted by the judge's peers. The Presiding Judge oversees the court system. Judge Tucker, Presiding Judge, will provide an update on the King County District court system and the court's upgrade to its case management system currently underway.

During the past 12 months the King County District Court has several new initiatives that will support the work of the Court and the residents of the City of Shoreline:

The King County Council approved funding for a new integrated Case Management System for the King County District Court. The RFP has been issued and it is planned that a new system to be purchased and implemented within the next 24 months. In addition to providing new efficiencies in processing cases, this new system will allow for electronic filing of documents from the participants with Court cases including the prosecutors and public defenders for the City of Shoreline.

The Court's IT department has completed an online E-Mitigation program for conducting mitigation hearings for traffic infractions and it is expected to be fully implemented in April 2015. The program is being piloted over the next couple months. This program allows individuals receiving a traffic ticket to request a deferred finding or a reduction in the fine amount over the internet. It is expected to significantly reduce the time needed by court clerks and Judicial Officers to complete the same work as currently required by mitigation hearings by mail.

Neighborhood disputes brought before the court in petitions to seek an anti-harassment order have been referred, when appropriate, to community mediation with the Dispute Resolution Center of King County. The King County District Court supports this community mediation center and recognizes the valuable community resource to help reduce the often repeated calls to law enforcement and/or requests from the court to stop harassing behaviors. The Dispute Resolution Center at our suggestion is in the process of expanding this services and reaching out to local law enforcement to educate about this valuable resource.

## **FINANCIAL IMPACT**

Though this discussion item has no resource/financial impact, there are various costs associated with criminal justice which may be affected by a number of factors. For example, arrest rates may affect the number of cases filed by the City's prosecutor and ultimately the frequency and number of jail sentences per year. An increase or decrease in each can greatly affect the City's, defendants' and Court's costs.

Regarding jail costs, the Adopted 2014 Budget included \$1,323,578 for jail costs and \$13,325 for vehicle costs (for the rental, repair and maintenance charges for the jail transport van), totaling \$1,336,903. The 2014 actual costs for jail services were \$2,302,076. Costs for 2014 increased significantly due to the City's transition from the Snohomish County Jail to King County Jail, and ultimately to the City's current primary booking and jail facility, the South Correctional Entity (SCORE) jail. Looking ahead to 2015, costs will most likely be less than those incurred in 2014 due to the City's transition to SCORE jail in September 2014. From October through December 2014, jail costs averaged \$156,062 per month. If this monthly average continues for 2015, total costs for jail services would be \$1,872,744. The Adopted 2015 budget included \$1,600,000 for jail services. Staff will continue to monitor these costs going forward.

## **RECOMMENDATION**

No formal action is required at this time. Staff recommends that Council discuss the various sentence alternatives and determine if there is additional information needed that staff may bring back for further discussion.

## **ATTACHMENTS**

Attachment A: Letter from King County Executive Dow Constantine regarding Jail Population Management Plan



## King County

### Dow Constantine

King County Executive  
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Seattle, WA 98104-1818

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TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

January 14, 2015

The Honorable Susan Craighead,  
Presiding Judge  
King County Superior Court

The Honorable Donna Tucker  
Presiding Judge  
King County District Court

The Honorable Dan Satterberg  
King County Prosecuting Attorney

The Honorable John Urquhart  
King County Sheriff

William Hayes  
Director  
King County Department of  
Adult and Juvenile Detention

David Chapman  
Director  
King County Department of Public Defense

Dear King County Officials:

This letter is to provide an update on the Jail Population Management Plan, which representatives of your agencies have been discussing with Executive Office staff for the past few months.

As you know, the underlying challenge is that the revenue tools available to counties are inadequate to keep up with inflation and population growth. We have collectively made great strides in creating efficiencies that improve service and reduce cost growth. Our County also has a long history of developing alternatives to incarceration for those for whom such options are appropriate, to reduce recidivism and increase long-term public safety. Unfortunately, the ongoing nature of the revenue problem means that our past successes are not sufficient to meet our current and future financial challenges.

Our jail system remains the single largest net cost of King County government. When revenue-supported services are removed, the Department of Adult and Juvenile Detention (DAJD) comprises about 23% of our General Fund costs, nearly twice the share of the next largest agency, the Sheriff's Office. After declining for several years, the jail population rose in 2014.

We confronted a General Fund financial shortfall of about \$54 million as we prepared the 2015/2016 Proposed Budget. Each of your branches and agencies had to make difficult program

and staffing cuts, even after we captured efficiencies in processes, central rates, and health care costs. One part of the budget adopted by the County Council was an effort to maintain the jail population at approximately 2014 budgeted levels, thereby avoiding over \$5 million in additional costs for jail and jail health services.

The criminal justice system is arguably the hardest system in government to change because it is designed to be adversarial – prosecution versus defense, with multiple independently elected leaders. We share the same commitments to justice and public safety, and need to continue to work together to improve the system. I'm proud of the work we have done collectively to focus incarceration on higher-risk, violent offenders. We've done more than most counties in the nation, but there still are actions we can take to make the system more efficient.

The jail population management work group has identified several potential ideas for reducing the jail population outside the Jail Population Management Plan. Our priority should be to implement these and other options, which improve the efficiency of the overall criminal justice system. They include:

1. Shortening the time between plea or verdict and sentencing, which often would move individuals out of the County system sooner.
2. Shortening the time between first appearance and arraignment, recognizing that many individuals are released on personal recognizance or bond once they are arraigned.
3. Reducing the wait times for inmates being held in our jails who are awaiting mental health competency restoration because of the shortage of beds at Western State Hospital.
4. Setting up a system so more individuals booked for Failure to Appear see a judge within a day.

I recognize that these ideas require process changes by one or more branches or agencies in the criminal justice system, and that any such changes will take time. We are fortunate that with a biennial budget we have the flexibility to phase in system efficiencies over a longer period of time.

If the criminal justice system is unable to create these efficiencies, an additional last-resort option that we have been studying would be to book, assess, but not house lower-level pre-trial detainees who are booked for investigation of certain felonies or on a first Failure to Appear for certain types of misdemeanor warrants. The impact of this change on public safety would be minimal, as it would mean releasing some individuals in a few hours when they would have been released in a few days. All individuals would be booked, fingerprinted, checked for warrants, and screened. Law enforcement agencies would be able to override the release of any person deemed a higher public safety risk than their booking charges might indicate.



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I share your commitment to public safety and appreciate the feedback that Mayors and Police Chiefs have provided over the past weeks. I'm also encouraged by the ideas that were produced by the work group that I brought together last year and want to give you more time to develop efficiencies within the criminal justice system.

We currently have the resources needed to maintain operations without having to implement the Jail Population Management Plan until June 1, 2015. This will give us time to do two things:

1. Continue to work on higher priority options that can reduce jail population, including the four ideas identified above, which could safely and adequately make the justice system more efficient.
2. Continue to work with the Legislature to add more flexibility to the revenue sources available to counties, though such revenue would not obviate the need to continuously improve operations and seek greater efficiencies.

I encourage all of you to help with these efforts.

Executive staff will continue to refine details of the "book but not house" concept for implementation after June 1 if we are unable to develop and implement other options.

We can phase in justice system efficiencies over a longer period of time because of our biennial budget. We also have some one-time contingency funds set aside by the County Council in the 2015/2016 budget that can provide a short-term bridge if we cannot fully achieve the desired stabilization of jail population.

In closing, I need to remind everyone that the current financial structure of King County's General Fund cannot sustain our current level of services over time. Limitations on revenues mean that we face a \$30-\$40 million gap every biennium. With three-quarters of our General Fund budget being spent on law, safety, and justice functions, and most of the remainder on mandatory programs, future spending cuts necessarily will fall heavily on criminal justice agencies. This means it is essential that we find ways to effectively manage the most expensive component of the justice system while preserving public safety.

I look forward to our continued work on these issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Dow Constantine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dow Constantine  
King County Executive

King County Officials

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cc: King County Councilmembers  
King County Police Chiefs  
Dwight Dively, Director, King County Office of Performance, Strategy and Budget  
Gail Stone, Law and Justice Policy Advisor, King County Executive's Office