



King County

Office of Performance, Strategy and Budget

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December 22, 2014

Dear Police Chiefs,

I write to follow up on previous communications regarding King County's strategy to manage its jail population starting in February 2015. As County Executive Dow Constantine explained in his September 22nd letter to King County mayors, the County General Fund had a \$54 million deficit for the 2015/2016 biennium. This deficit was due to a chronic deficiency in the County's revenue sources, which grow at an average 2.5 percent under State law, while expenditures grow at 3.5 percent (consistent with inflation and population growth). This disparity generates a \$30 million to \$40 million deficit every biennium, which was made worse by other factors in 2015/2016. On top of this challenge, the number of people in the County's adult jail has been increasing in recent years, to the point that an additional \$5.2 million was needed to support the projected population increase. Approving this increase would have meant finding \$5.2 million in reductions from criminal justice agencies, which have already been cut substantially over the last decade. Instead, the Executive convened a group of criminal justice system experts to advise him on how to we might manage the jail population while maintaining public safety.

In the near term, the jail population strategy will focus on reducing the number of County-responsible pre-trial, low-level, non-violent offenders in the County's adult jails. It is costly to hold these inmates in jail while they wait for court appearances and the resolution of their cases. The details of how this strategy will be implemented are described in an attachment to this letter. To be clear, this effort involves only County-responsible inmates. City misdemeanants and Department of Corrections probation violators will be booked and held in accord with existing contracts.

We are committed to working with law enforcement to ensure their public safety priorities are not jeopardized. We heard that law enforcement was concerned about not being able to hold arrestees who pose a greater risk to public safety than is suggested by the crimes for which they are booked. This is a valid concern and one we share. To address this issue, the Capacity Management Plan includes an override mechanism that will enable law enforcement to tell the jail that a specific individual should be held until he or she sees a judge, even if the charge is on the release list.

The need to manage the jail population comes despite the County's efforts to control costs in the criminal justice system. For example, in 2012 and 2013 the County undertook an extensive effort to streamline how it manages inmates with mental illness in the jails. The result was a redesigned system

that better addresses inmate needs and saves over \$1.25 million annually, which helped balance the 2014 budget. However, because new deficits are created every budget cycle due to the disparity between revenue and inflation and population growth, this savings does not solve the deficits in 2015/2016 and beyond. Until the revenue problem is resolved at the state level, the County will continually be forced to make cuts to valuable public services due to chronic deficits.

While we need to take steps early in 2015 to manage the jail population, the County is also looking at medium-term ideas that will improve our systems and result in better outcomes for everyone. For example, starting in January, criminal justice agencies will map the entire process of a case from filing to resolution. This map will enable the County to identify places where work can be done more efficiently to save time and expense without compromising public safety and the rights of the accused. The County supports State efforts to address the persistent shortage of beds at Western State. Inmates in County jails regularly wait months to be transferred to Western State after they have been deemed incompetent to assist with their own defense. These delays keep people in jail longer, slow court cases and are detrimental to the health of the defendant.

In the long-term, the Executive is committed to finding better ways to address the underlying factors that cause people to become involved in the criminal justice system, particularly for those who keep cycling through the system. To that end, the Executive created the position of Recidivism Reduction and Reentry Project Manager in 2014. This person is charged with identifying and documenting all of the recidivism reduction and reentry efforts in King County and helping the County develop a coherent strategy to help people transition from incarceration to the community and avoid future criminal behavior. We are also embarking on an effort to better understand "Familiar Faces," those people who appear repeatedly in the justice and community treatment systems, so that we can make sure our resources are allocated to best address their needs and keep them out of the justice system. It will take years for these projects to make an impact, but they are the kind of investment we must make now for better results in the future.

The County will continue to pursue ways to streamline its systems and reduce the number of people involved in the justice system, but these efforts will never be sufficient to overcome its structural funding problems. Indeed, our efforts to improve outcomes for everyone will be undermined by the continual need to cut core public safety services to close future deficits. The preferred solution is to obtain reasonable funding for counties, including adjusting the 1 percent revenue growth limit on property taxes. We will be supporting the efforts of the Washington Association of County Officials and others to seek this change at the State level. Your support of this issue will also be important to help all of us meet the needs of our residents.

King County is committed to working with criminal justice agencies and local law enforcement to develop a thoughtful strategy that will ensure public safety and avoid adding to the General Fund's shortfall. The County will monitor the effects on the jail population of the Capacity Management Plan, as well as the medium and long term efforts underway, to determine when we no longer need to manage the jail population directly.

King County Police Chief's Association

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If you have thoughts to share, or would like to meet with someone to get additional information, please feel free to contact Diane Carlson, the Executive's Director of Regional Initiatives, at 206-263-9631, or Gail Stone, the Executive's Law and Justice Policy Advisor, at 206-263-9652. I am also available to present a more complete description of the County's financial situation if it would be helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Dively", with a stylized flourish at the end.

Dwight Dively

Director

Office of Performance, Strategy and Budget

Enclosure

cc: King County Mayors

ATTACHMENT

King County Jail Capacity Management Plan December 22, 2014

The Capacity Management Plan is intended to reduce the average daily population by 150 to 200 inmates a day, which is about 10 percent of the current jail population. That means that 90 percent of the jail population will be unchanged. The plan affects primarily people who are already released before they go to trial or reach a plea agreement. In some cases, a person remains in jail between his or her booking and arraignment because they cannot afford to post bail.

What will not change:

- Law enforcement will continue to bring all arrestees to the County's jails where they will be booked, fingerprinted, checked for outstanding warrants and interviewed by a personal recognizance (PR) screener.
- All city-responsible misdemeanors and Department of Corrections violators will be booked and held under the terms of existing contracts.
- City and County prosecutors will continue to file charges on cases provided by law enforcement.
- The courts will continue to adjudicate those cases.
- Inmates booked on felony investigation or warrants for violent crimes, crimes against people, sex offenses, and crimes involving children will be booked and held as they are today. This category includes all Class A felonies, and many Class B and C felonies, such as residential burglary and arson.
- Inmates booked on Domestic Violence and Driving Under the Influence (DUI) will be booked and held as they are now.
- All inmates booked on felony warrants will be booked held as they are now.
- No inmate who is not coherent enough to comply with the booking process will be released until he or she has completed the process, which means people will not be released to the streets in an intoxicated or impaired condition.

What will change:

- Inmates booked on felony investigation for some crimes that are not violent, are not against a person, do not involve a sex offense or a child will be fingerprinted, checked for outstanding warrants and interviewed by a PR screener, after which they will be released. (The exact crimes on the release list are being finalized and will be shared in January.)
- Inmates booked on their first County-responsible misdemeanor Failure to Appear warrant that is not Domestic Violence or DUI will be booked, fingerprinted, checked for outstanding warrants and interviewed by a PR screener, after which they will be released. In addition, the County is

exploring the possibility that the defendant can be scheduled for a hearing the following day to resolve the warrant.

Override Mechanism

Law enforcement will inform the King County Jail when a specific individual should be held until he or she sees a judge, even if the charge is on the release list. To make this override, a law enforcement supervisor will sign the Super Form indicating that the person should be held, the County jail will hold the individual until he or she can see a judge.

Timeline

December 2014 &
January 2015:

Work out implementation details with jail staff and law enforcement

February 2015:

Implement Capacity Management Plan and monitor its impact on jail population