

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Regional Jail Planning Update DEPARTMENT: City Manager's Office PRESENTED BY: Julie Underwood, Assistant City Manager Eric Bratton, CMO Management Analyst Scott MacColl, Intergovernmental Program Manager</p>

PROBLEM/ISSUE STATEMENT:

The City Council received a regional jail planning update in October 2007. Likewise, staff provided a brief update at the Council's June 23, 2008 dinner workshop meeting. This report provides a further update on the regional jail planning efforts to date and seeks Council direction on the number of facilities to be built and operated.

To recap, King County cities are facing the difficult challenge of providing jail bed space for our cities in the future. Currently, the jail model for meeting the needs of the incarcerated misdemeanor population in King County is a complex system of county and municipal jails and multiple contracts. Shoreline currently contracts with King County, Yakima County, and the City of Issaquah to house its inmates.

The City's current contract with King County expires on December 31, 2012. In 2001, King County and its contracting the cities, including Shoreline, negotiated a new contract that substantially reduced cities' use of the King County jail facilities. The contract established a timeline and population caps to remove the cities' misdemeanor population from county facilities by 2012. As allowed by the contract, King County initiated contract re-opener discussions in the fall of 2007. Through the negotiations, the cities attempted to negotiate an extension of the contract, but King County's position was that with its own projected jail bed need, it would not have capacity for the cities' inmates after 2012.

Also in 2001, many King County cities, including Shoreline, negotiated a contract with Yakima County, set to expire at the end of 2010, to secure jail beds needed in excess of the King County caps. This spring, Yakima County and King County cities began negotiating a new contract to run through 2014. The new contract will likely be before city councils by the end of 2008.

It is imperative that King County cities address the short- and long-term mandate of housing their misdemeanor populations. In order to address these contract expirations and to plan for projected future bed space need, King County cities have entered into a cooperative regional jail planning effort.

RECOMMENDATION:

The purpose of this presentation is informational and provides to the Council an update on the jail planning efforts of the north and east King County cities. In addition, staff is seeking consensus on the number of facilities to be built and operated by the north and eastside cities.

BACKGROUND:

Following the newly negotiated contract with King County, in 2003, a group of 37 King County cities, which included Shoreline, negotiated an interlocal agreement with each other to coordinate jail services and to plan for long-term jail capacity and facilities. As a result of this interlocal agreement, in 2005 the consortium of cities initiated a long-range jail planning process. In order to oversee contract administration, coordination, and the progression of the strategic planning process, the city consortium established the following groups:

- Jail Oversight Assembly (JOA): Also commonly referred to as “the Assembly” or the “Jail Assembly,” JOA is made up of one elected representative from each of the 37 cities that decided in 2002 to collaborate on solutions to the cities’ jail bed access. The two cities that chose not to join the collaborative effort are Kent and Enumclaw.
- Jail Administration Group (JAG): JAG was formed to represent the 37 cities; the official members of the JAG are policy-level and law enforcement leadership representatives of the largest users of the King County jail, plus three members appointed by the Suburban Cities Association (SCA). Julie Underwood, Assistant City Manager, is one of three alternates for the SCA.
- Jail Task Force (JTF): The Jail Task Force members were appointed by both the Assembly (the elected officials) and the JAG (policy/law enforcement representatives) and their charge was to develop a region-wide jail bed solution for all JAG cities. Members came from 11 of the JAG cities and included:

Auburn	Federal Way	Renton
Bellevue	Issaquah	Seattle
Burien	Kirkland	Shoreline
Des Moines	Redmond	

The JTF completed its work at the end of 2007 and the group was sunset.

- North East Cities Committee (NECC): The NECC is the newest of these groups and the members include north and east King County cities with the greatest jail need (Seattle, Bellevue, Kirkland, Redmond, and Shoreline). While this working group primarily consists of staff from these cities, from time to time, elected officials (which are represented on the Assembly) are brought in for their consultation. Councilmember Ron Hansen serves as our representative.

King County Cities Current Jail Bed Needs

There are roughly 1,000 jail beds available for King County cities through various contracts and municipal jails:

<u>Agency</u>	<u>No. of Jail Beds Available to the Cities</u>
King County	330
Yakima contract	440
Issaquah municipal	62
Renton municipal	50
Auburn municipal	51
Kirkland municipal	12
Other contract beds	55
Total	1,000

Approximately a third (1/3) of the jail beds are located in King County jails, which are the downtown correctional facility and the Kent Regional Justice Center, and nearly half (1/2) of the jail beds are in Yakima County. Other jails are used both by the cities that operate them and by other cities either on a "reserved bed" contract, or on an as-needed basis. For all the JAG cities, Seattle is the biggest bed user, needing approximately a third (1/3) of the total beds, followed by Auburn, which is considering a potential annexation.

The chart below provides Shoreline's average daily population (ADP) from 2004-2007:

City of Shoreline Jail Population from 2004-2007				
	2004	2005	2006	2007
Average Daily Population (ADP)	20.6	31.3	37.7	27.7

King County Cities Future (20-Year) Jail Bed Needs

In 2006 the JAG retained a consulting firm, Ricci Greene Associates, to complete the following:

- o A needs assessment to establish future misdemeanor bed space capacity requirements. The study included an analysis of misdemeanor population characteristics and growth trends, and also assessed system practices impacting jail use, including alternatives to incarceration.
- o Several strategic options for meeting future bed space requirements, which were generated through workshops with the JAG and based on identified goals, planning assumptions, and criteria.

The report was completed in December 2006 and estimated that approximately 1,175 jail beds will be needed for all JAG cities by 2011, and 1,450 jail beds will be needed by

2026. Programs that provide alternatives to incarceration, such as electronic home detention, that reduce jail bed need have already been factored into the projected bed need (alternatives reduce the need by about 10%).

The chart below provides Shoreline's ADP projections from 2011 to 2026, in five-year increments:

City of Shoreline Jail Population Projections from 2011-2026				
	2011	2016	2021	2026
Average Daily Population (ADP)	41	44	46	49

JAO - December 2007 Assembly Meeting

Summary of Findings of the JTF

The JTF had met since May 2007, and, using the Ricci Greene report as the baseline, developed a set of recommendations for the JOA to consider. Several important agreements served as underlying assumptions:

- o Contract beds are not an option to fulfill all of the cities' needs. As a practical matter, this option is not available for the long-term because of the limited availability of contract beds. Some beds may be secured through contracts; however, the availability would be much less than the total needed.
- o A limited number of contract beds are available for female inmates. In addition, King County is the only facility that can house city inmates with serious medical or psychological conditions.
- o In the case of Yakima, there are also transport and inmate access issues due to the geographical distance of the jail.
- o Contracting limits control of availability, cost, and quality of services for cities.

In December 2007, the JTF presented three recommendations to the Assembly, which are summarized below:

Recommendation 1: Support parallel planning by south JAG cities (SCORE) and north/east JAG cities

The south JAG cities, also referred to as SCORE (South CORrectional Enterprise), have projected their future jail bed needs, identified a number of possible sites where a new jail might be located, and retained a consultant to assess the feasibility of building, owning, and operating a full-service jail facility of up to 670 beds. The SCORE cities are three to six months "ahead" of the north and east cities. The JTF advised the Assembly to recognize and support the parallel planning efforts of SCORE and the north and east cities.

Recommendation 2: Accept the three jail construction alternatives developed by the JTF as viable options for north and east JAG cities

After seven months of intense deliberation, the JTF developed three alternative scenarios to address the future jail bed needs of the north and east JAG cities. The north and east cities will retain a consultant to assess the feasibility of the three scenarios. The feasibility study must include an analysis of the pros and cons of each scenario, a cost/benefit analysis of each scenario, and other detailed information to help select the best alternative for the north and east cities. The three alternatives to be analyzed are outlined below:

- o Alternative A: includes all of the north and east suburban cities, excluding Seattle, and the construction of a 200 bed jail facility.
- o Alternative B: assumes Seattle would construct a 440 bed facility for their own use.
- o Alternative C: assumes a partnership among all the north and east suburban cities and Seattle for the construction of a single jail facility of 640 beds.

Recommendation 3: Authorize issuance of request for proposals to conduct feasibility study of alternatives

The JTF advised the Assembly to proceed with a formal "feasibility analysis" of constructing a jail for the north and east cities. In the spring of 2008, JAG returned to the Assembly with an update on the study and a recommendation for how to collect the special assessment to fund the feasibility analysis.

Assembly Outcome: The Assembly voted unanimously on the above recommendations. The JTF's work was sunset and the remainder of the long-range planning efforts was assigned to the JAG.

In summary, the JTF recommended that cities consider options that build new jail(s). At the time of their presentation, what remained unanswered was for what entities, how many beds, and how many facilities. To help address this, the NECC was formed.

North and East Cities Committee (NECC) Feasibility Study - Long-term Jail Planning

The NECC is a committee of north and east King County cities, which includes the cities with the greatest jail need (Seattle, Bellevue, Kirkland, Redmond, and Shoreline). The committee was formed at the end of 2007 to begin long-term jail planning efforts.

In April 2008, the NECC hired Carter Goble LEE to conduct the feasibility analysis. Phase 1 of that study, currently in progress, examines the spatial/acre requirements for a 200 bed facility (for north and east cities excluding Seattle), a 440 bed facility (just for Seattle), and 640 bed facility (for all north and east cities including Seattle). It is also looking at construction and operating cost estimates for the three different sized facilities and the different per diem charges associated with each facility. Phase 2 of the study will commence once a decision is made on whether to build one facility or two.

Phase 2 will focus on finding feasible sites and refining the cost estimates. It will also begin looking at site development and creating architectural plans.

The consultant has provided preliminary figures on size, staffing, and operating costs of the different sized facilities. Operating a 200-bed facility is by far the most expensive option, whereas operating a 640-bed facility is the least expensive due to economies of scale. Looking at the staffing ratio, a 200-bed facility has an inmate to staff ratio of 1.56, whereas the 640-bed facility has a ratio of 3.43 or 1:3 (Exhibit A). It is the staffing requirements (based on eight-hour shifts) that are the basis for operational cost estimates. One would expect some of these areas may be contracted out (food services, medical, facility maintenance, etc.). However, bear in mind these are estimates and as we continue to move forward these may need to be adjusted.

Exhibit A

Category	200-Beds	% of Total	440-Beds	% of Total	640-beds	% of Total
BEDSPACES						
Special Management	8	4.0%	12	2.7%	32	5.0%
Women	24	12.0%	32	7.3%	64	10.0%
Special Observation	8	4.0%	12	2.7%	32	5.0%
Pretrial	96	48.0%	224	50.9%	320	50.0%
Sentenced (Including Trustee)	64	32.0%	160	36.4%	192	30.0%
Total Bedspaces	200	100.0%	440	100.0%	640	100.0%
STAFFING						
	# of Staff	Inmate/Staff	# of Staff	Inmate/Staff	# of Staff	Inmate/Staff
Administrative	13.0	15.4	13.0	33.8	15.0	42.7
Security Administration/Intake & Release	53.5	3.7	60.7	7.3	66.9	9.6
Program Services	3.0	66.7	3.0	146.7	5.0	128.0
Inmate Services	8.0	25.1	8.0	55.3	8.0	80.4
Medical Services	8.8	22.7	14.1	31.3	16.8	38.1
Food Services	5.4	37.4	5.4	82.2	7.5	85.8
Maintenance	3.7	53.5	3.7	117.6	7.2	88.6
Subtotal Support Services	95.3	2.10	107.8	4.08	126.3	5.07
Special Housing (Spec. Mngt., Women, Obser)	13.9	14.4	13.9	31.6	13.9	46.0
Pretrial Housing	12.2	16.4	27.0	16.3	29.6	21.6
Sentenced Housing	7.0	28.7	13.1	33.7	16.5	38.7
Subtotal Housing	33.1	6.05	53.9	8.16	60.0	10.7
Total Staff and Inmates/Staff	128.4	1.56	161.7	2.72	186.4	3.43

The affect of that disparity can be seen in the operating costs. A 200-bed facility has a per diem cost of \$317 (Exhibit B); effectively, no economies of scale. A 640-bed facility has a per diem cost of \$185. That is a \$132 difference per diem. Using Shoreline's total ADP for March 2008 of 29.9 as a base, the City's potential yearly savings would be over \$1.4 million if it joined with Seattle and the other north and east cities in constructing a 640-bed facility. The per diem costs of a 440-bed facility would be \$216. If Seattle joined the other cities in a 640-bed facility, it would save \$31 per diem.

Economies of scale are seen with the 440 to 640 scenarios, and all scenarios assume 85% occupancy and the debt service on the construction of the facility.

Exhibit B

	Number of Beds		
	200	440	640
Per Diem for Operating Costs	\$ 240.86	\$ 150.46	\$ 122.61
Per Diem for Capital Costs	\$ 65.40	\$ 58.66	\$ 56.08
Per Diem for Estimated Land Costs (Low Rise)	\$ 11.02	\$ 7.25	\$ 6.54
Combined Per Diem Costs	\$ 317.28	\$ 216.37	\$ 185.23

The potential size and acreage requirements and the total project costs can be seen on Exhibit C and D respectively. The consultant has looked at single story and multi-story spatial needs for each of the different sized facilities. Acreage amounts range from 3.9 for a four-story 200-bed facility to 10.5 for a single story 640-bed facility. Total project costs, which do not include land acquisition, range from \$62 million for a 200-bed facility to \$171 million for a 640-bed facility. There is only a \$10 difference in the per diem debt service amount, with the 200-bed facility paying the greater per diem debt service amount. At this time, all options assume surface parking for staff and visitors and include 50 foot buffers.

Exhibit C

Detention Center Sizes	200		440		640	
	Maximum Site Size	Minimum Site Size	Maximum Site Size	Minimum Site Size	Maximum Site Size	Minimum Site Size
Building Footprint						
Number of Floors	1	4	1	4	1	4
Total Site Acreage Required	5.5	3.9	8.0	4.9	10.5	5.8

Exhibit D

Category	200-Beds		440-Beds		640-beds	
	SF	Cost	SF	Cost	SF	Cost
Total Construction Costs	91,000	\$ 37,071,445	180,972	\$ 74,105,394	252,672	\$ 103,689,520
PROJECT COSTS						
Components						
Site Development		\$ 2,250,800		\$ 3,222,000		\$ 4,017,000
FF&E		\$ 5,781,680		\$ 11,517,506		\$ 15,991,280
Project Fees		\$ 6,614,342		\$ 13,077,088		\$ 18,229,979
Project Contingencies		\$ 10,662,817		\$ 21,002,334		\$ 29,240,807
Total Project Costs		\$ 25,309,639		\$ 48,818,928		\$ 67,479,065
TOTAL COSTS		\$ 62,381,084		\$ 122,924,322		\$ 171,168,585
Annual Debt Service (30 years @ 5%/year)		\$ 4,057,979		\$ 7,996,404		\$ 11,134,762

NECC Recommendation

On June 25, the elected officials of the NECC met to discuss Phase I of the feasibility analysis. Councilmember Hansen is the City's representative. The main decision-making point was to determine if the NECC recommendation to their respective Councils is to construct and operate one or two facilities. The consensus was to recommend going forward with the 640 bed regional jail/justice center option that includes Seattle.

Other issues briefly discussed regarding a single regional jail/justice center included:

- Considering adding to jail operations a transport system (for arraignments and court dates);
- Determining the entity that would possibly operate the jail and developing a governance structure soon;
- Provisions that required cities release their inmates back to the city of origin; and
- Hiring a specialist for the detailed work program.

Staff recommends that the City continue to partner with north and east cities to develop a single jail/justice center, which would include a 640 bed facility. Staff is seeking Council consensus to continue with this regional planning effort to construct a single facility.

King County Council Ordinance 2008-0322

On June 6, 2008, Council Chair Julia Patterson introduced Ordinance 2008-0322 to the King County Council. The ordinance, as introduced, called for the County to take the lead in regional criminal justice planning by providing short-term relief to the cities through a two-year extension of the current contract and increasing the cities ADP cap, and in the long-term by negotiating a single contract with the cities that would integrate

all of the County's criminal justice services (jail, court, prosecutorial, defense, and law enforcement) into a unified system. The cities believe that while a two-year extension would provide some breathing room, the ordinance as introduced in no way addressed their future jail bed need and cannot divert their current jail planning efforts.

Representatives from the SCORE and NECC staff along with elected representatives gave a joint presentation to the County Council on June 30 outlining the cities concerns with the legislation. They informed the County Council that the cities need to make major decisions within the next couple of months and that if the County was serious about working with the cities, it would have to demonstrate that. Mayor Ryu sent a letter, which was formulated jointly by the cities of the JOA, to King County Council Chair Julia Patterson.

The Council considered the cities concerns and passed an amended ordinance on July 7, 2008. The amended ordinance calls for the County Executive to extend the current contract for two more years, to begin immediately exploring the expansion the Regional Justice Center in Kent, and to work with cities and the state in capital planning and construction of additional detention capacity. Staff believes that in the next few years, the King County cities need to build a new jail facility to meet future jail bed need. If the County is serious about being the regional leader in providing criminal justice services, it needs to look immediately into expanding the Regional Justice Center in Kent and begin making plans for the construction of a new regional jail facility, which means including funding in the 2009 capital budget to start such a process.

King County's Mental Illness and Drug Dependency (MIDD) Action Plan

Understandably related to jail and courts is the King County's Mental Illness and Drug Dependency (MIDD) Action Plan. The MIDD Plan, adopted by the County Council in June 2007, detailed an array of strategies to improve access to mental health, chemical dependency, and therapeutic court services for people who are homeless or involved in the criminal justice system. In November 2007, the County Council enacted a one-tenth of one percent sales tax increase to fund the MIDD Plan strategies. The ordinance authorized the collection of tax, which is estimated to generate \$48-50 million annually for nine years. Likewise, an ordinance was adopted establishing a 30-member Oversight Committee.

While it is estimated that only 15-18% of inmates within custody have a major mental illness and 40-50% are chemically dependent, these populations use a disproportionate amount of resources. For example, the average length of stay in a King County jail facility is 20 days. However, for someone who is mentally ill and/or chemically dependent, the average stay is 158 days. These statistics are consistent with national data.

Two strategies identified in the plan that may serve as a diversion to the criminal justice system are the mental health court and the adult crisis diversion center. Unfortunately, these are not solutions that will solve our jail needs in the short-term since they are currently planning to serve only a small and limited population.

Next Steps for NECC

Once the north and east city councils have provided their guidance on whether to move forward with one facility or two, the NECC will begin reviewing in depth potential sites and analyze them using the criteria developed in Phase 1 of the feasibility analysis. The NECC will narrow sites down to the top 4 to 6. Those 4 to 6 sites will go through the EIS (environmental impact study) process. The selection process will happen very quickly as the cities hope to start the EIS process in September. The cities are also drafting an interlocal agreement to govern the EIS process.

The NECC will also begin looking at how the final site will be selected and which cities will be involved in making that decision. It will also begin looking at governance and financial issues related to the construction of a regional facility.

RECOMMENDATION

The purpose of this presentation is informational and provides to the Council an update on the jail planning efforts of the north and east King County cities. In addition, staff is seeking consensus on the number of facilities to be built and operated by the north and eastside cities.

Approved By: City Manager  City Attorney _____