

# Regional Jail Planning Frequently Asked Questions

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## REGION'S MUNICIPAL JAIL NEEDS

### 1. Why must Shoreline look for a new place to house its misdemeanor population?

Most of the cities in King County, including Shoreline, contract with Yakima and King Counties to house the majority of their misdemeanor populations. Shoreline's current contract with King County expires on December 31, 2012. King County, based on the projections for their own jail needs, informed cities that it would no longer provide jail beds for the cities' misdemeanor populations after 2012.

Cities have been negotiating a contract extension for up to two years with King County to allow for enough time to site and build a new city facility. The County has offered the cities 220 beds in 2013 and 100 beds in 2014. The County's offer of 100 beds in 2014 does not come close to meeting the cities' collective bed need. Therefore, the cities must have an alternative jail identified and ready to house their inmates by the end of 2013.

Shoreline also contracts with Yakima County (current contract expires on December 31, 2010) for some of its bed need. However, Shoreline mostly uses Yakima to house its sentenced inmates or its inmates who will be in jail for more than a few days. The majority of Shoreline's misdemeanants are in jail for 3 days or less. Shoreline needs a jail nearby where it can book people after they are arrested. In addition, Yakima County does not house those inmates needing substantial psychiatric or medical care, a service only King County currently offers. Yakima also has limited space for female inmates. Twenty percent of Shoreline's misdemeanor population is female. Therefore, Yakima County is not a viable replacement for those services offered by King County.

Shoreline also uses the City of Issaquah's jail to house inmates and has designated Issaquah as its primary booking facility. However, the Shoreline Police Department only books about 25% of Shoreline's inmates. The other 75% of inmates are either booked by other jurisdictions on outstanding Shoreline warrants or are jail transfers. Many of those other jurisdictions use King County as their primary booking facility and do not book Shoreline inmates into Issaquah. Issaquah also will not accept inmates needing medical or psychiatric care, that are intoxicated, or considered problem inmates. As with Yakima

County, Issaquah cannot replace the services Shoreline currently depends on King County for.

## **2. Can a city choose not to put people in jail and just use alternative programs? What are the alternatives?**

Cities use a variety of successful alternative programs, including electronic home monitoring, day reporting, and treatment for substance abuse. However, no matter how many alternative programs a city utilizes, it will still need jail beds.

The trend in the region has been for fewer misdemeanants to spend time in jail. However, state law requires that some offenders, such as people with a history of driving while impaired, be jailed. The law also mandates booking and jail time for anyone charged with domestic violence. Public safety demands that some people spend time in jail in order to protect others. In addition, a large segment of Shoreline's inmate population is made up of people who were previously diverted or released from jail, but then failed to come back to court or report to an alternative program, resulting in an arrest and a new booking.

## **REGIONAL SOLUTIONS**

### **3. What are the potential solutions to Shoreline's jail bed problem?**

By law, Shoreline is obligated to provide housing for its misdemeanor population. Sentencing misdemeanants to alternative programs or providing treatment can reduce the number of jail beds used, but utilizing such alternatives will not eliminate the need for a jail altogether. In addition to needing a booking facility to house inmates immediately after arrest, by law there are several misdemeanors that require jail terms, such as people with a history of driving while impaired. The law also mandates booking and jail time for anyone charged with domestic violence. Public safety demands that some people spend time in jail in order to protect others. In addition, one-third of the people booked into jail are people who were released from jail but failed to appear in court or to an assigned alternative program, resulting in their rearrest and a new jail booking.

Shoreline has three options: 1) continue to contract with other jurisdictions to house its inmates, 2) build its own jail, or 3) work with other cities to build a regional jail.

Option 1, Shoreline gets to stay out of the jail business. Shoreline has no experience operating its own jail. By continuing to contract with other cities, Shoreline would avoid going into the jail business, which can involve potentially substantial liabilities. The downside to the contracting option is that Shoreline would not be guaranteed bed space anywhere and it could easily find itself in the same position it is in now of being kicked out of jails. If that happened and the other King County cities had proceeded with building regional jails, Shoreline would be in an even worse situation than it finds itself currently. The

contracting option also would not allow the City any say in controlling costs or in operational issues. Finally, no jail currently exists in King County that meets Shoreline's needs except for King County and it has already said it will not have space for Shoreline after 2013.

Option 2, Shoreline chose to build its own jail. The City would have much greater control over its inmate population, jail operations, and costs. However, operating a single city jail would be expensive compared to participating in a regional jail. With a regional, the City could share the administrative and overhead costs, and the potential liabilities associated with operating jails. The City would also most likely have to contract with another jail to house those inmates needing medical or psychiatric care, which would also be expensive.

Option 3, being part of a regional jail would provide the most certainty at the lowest cost to Shoreline. Building a regional jail would allow cities to combine resources for the construction and operation of the jail and they would share the liabilities. The City would also have guaranteed beds and a say in controlling costs and jail operations.

#### **4. How are the cities responding?**

In 2006, King County cities hired a consultant to study long-term jail needs. The study projected that the cities need approximately 1,175 jail beds by 2011 and 1,450 by 2026. Of that 1,450, Seattle will need 440 beds and the other north and east cities will need 200 beds. Shoreline will require approximately 50 jail beds per day by 2026.

Currently, jail planning efforts are developing along the regional lines outlined in the study. The South County Correctional Entity (SCORE) is representing the south King County cities and is in the process of selecting a site and drafting plans for the construction of a 650-bed jail, which it expects to complete by the end of 2012.

Bellevue, Kirkland, Redmond, Seattle, and Shoreline have been working as a group of North and East Cities (NEC) in planning for a jail to address their and 17 other north and east cities' collective jail bed needs. The NEC conducted a feasibility study to determine whether it makes more sense to build one large 640-bed jail or two smaller ones - a 440-bed jail for Seattle and a 200-bed jail for the other north and east cities.

The study clearly showed that building one 640-bed facility was the most cost effective approach for the cities due to the economies of scale achieved with a larger jail. The NEC is now proceeding with plans to construct a 640-bed jail.

#### **5. What is the process and timeline?**

We are early in a long process that will include opportunities for public comment and environmental review. The Principal Cities have started

conducting environmental reviews on each of the identified sites. The cities anticipate completing the environmental review by the first quarter of 2010. As part of the environmental review process, the participating cities will chose a preferred site from the identified sites.

Once a preferred site is chosen, the architectural and design phase of the project will begin. The NEC anticipates opening the jail sometime during the third quarter of 2014. The timeline is very ambitious and is dependent on King County cities being able to negotiate at least a one-year contract extension to the current contract with King County.

Throughout the process, the public will have many opportunities to provide input.

**6. How much will it cost to build a regional jail?**

Building a regional jail will be expensive. However, while most people focus on the construction costs, it is the operating costs over the life of the jail that will have the biggest impact on the City's finances. By way of example, the cumulative projected annual operating costs of a 640-bed jail exceeds the projected construction costs by the fifth year of operation.

**7. If the County can't afford to build a jail, how are the cities going to come up with the money to build a jail?**

Cities have the ability to sell bonds to pay for building a new jail and to pay off those bonds from existing revenues. King County has said that it currently doesn't have the debt capacity to fund any jail related projects. It's not that the County can't issue bonds—it's that it has already reached its bonding capacity after having issued bonds for other a number of other projects.

**8. Will Shoreline continue to use the Yakima County jail?**

Shoreline will continue to contract with Yakima County in the short term. However, once a new jail is built, all of Shoreline's inmates will be housed in the new jail.

**\*9. Why should Shoreline participate in a regional process instead of building its own jail?**

Shoreline is committed to finding a regional solution to the cities' misdemeanor jail needs. Because the criminal justice system is so intertwined between jurisdictions, the City believes it is far more efficient and cost-effective to have a few regional facilities rather than many small duplicative facilities spread throughout the county.

The results of the feasibility study conducted on behalf of the NEC clearly show that economies of scale lean towards building one large facility rather than two or more smaller facilities. Building a jail just for Shoreline would be cost prohibitive. With a regional jail, the City can share administrative and

overhead costs. If Shoreline were to operate its own jail, all of those costs would fall on Shoreline alone. In addition, if the City built its own jail, it would most likely have to continue contracting with another jail to house those inmates needing medical or psychiatric care, which is very costly.

In order to cover the cost of building and operating its own jail, the City would most likely need to impose significant tax increases or make substantial cuts in other areas, but most likely a combination of both.

**\*10. Why isn't the City working with King County to find a regional solution?**

Shoreline is working with the County and other King County cities to find a regional solution. The NEC, including Shoreline, and the County have been working very closely over the past several months to reach common interests in creating a regional solution to the jail issue. Shoreline believes that it makes the most sense to have the County be the regional jail provider instead of having many small inefficient city jails spread throughout the County.

King County owns one of the six sites selected for the EIS study and it is located in downtown Seattle directly adjacent to the current King County jail. The NEC is actively pursuing partnering with the County to build an annex to the existing jail on that site. Pursuing this partnership option would mean King County would continue to provide jail services to the NEC cities.

**\*11. If the NEC is pursuing a partnership with the County, why is it still considering the other five sites?**

While the NEC is working closely with King County to determine the feasibility of building and operating a jail annex on the downtown site, there are still many issues that need to be resolved before building on that site can move forward. Therefore, it is necessary for the NEC to continue studying the other five sites, as the cities are losing all of the jail beds as of 2012.

**SITING AND DESIGN**

**\*12. How did the City determine proposed site in Shoreline?**

One of the most challenging aspects of developing a regional jail facility is identifying a site that is acceptable to all of the jurisdictions. The selection of the potential Shoreline site to include in the NEC's environmental impact study was an administrative decision made by Shoreline staff. All final decisions on a preferred site will be made by the Shoreline City Council and the other NEC city councils.

Shoreline considered four overarching criteria when evaluating sites to put forward for the possible siting of a regional municipal jail:

- Adequate acreage: acreage required for either a multi-story 200-bed facility at 4 acres, or a single level 640-bed facility at 12 acres.

- Ease of Acquisition/Ownership: focus was on public property, as the City wanted to avoid extensive negotiations or possible condemnations.
- Current use: the City sought vacant or underutilized property.
- Regional access: as a regional jail, it was important to find sites with easy freeway access.

Shoreline identified three initial sites: Aldercrest Annex, 2545 NE 200<sup>th</sup> Street; Fircrest Campus, 15<sup>th</sup> Avenue NE and NE 150<sup>th</sup> Street; and Seattle City Light Property, between N163rd Street and N 163<sup>rd</sup> Place behind the Metro maintenance facility. After careful analysis, the City identified the Aldercrest Annex as the site that best addressed the needs of the regional jail planning effort and the citizens of Shoreline.

In July 2008, the Shoreline School Board voted to surplus the Aldercrest Annex property, making it available for purchase. The site has enough acreage to accommodate a 640-bed jail facility with sufficient buffers to help minimize its impact on the surrounding neighborhood; it has easy access to I-5 and State Highway 522; and the buildings located on the site are no longer in use. At the time Shoreline selected the Aldercrest Annex, no other entity had expressed interest in the property.

**13. What else could be located in the same building as the jail?**

Depending on where a jail is finally located, it could house a number of justice-related programs/services in addition to a jail. The NEC anticipates that the jail itself will include a 24/7 booking area, beds for medical/mental health populations, and an arraignment court.

**14. Will there be mitigation of some kind for whichever city ends up siting the jail?**

Most likely. To begin with, depending on which site the NEC proposes, there could be site-specific mitigation to lessen the impacts of a jail on the surrounding area. This could include traffic or environmental mitigation. In addition to site mitigation, the host city might also be entitled to mitigation, which could include discounts on maintenance fees or the inclusion of a municipal court or other municipal facility in the development.

**\*15. Why did Shoreline propose a site in a residential neighborhood when the other NEC cities proposed sites in commercial and industrial areas?**

In order for Shoreline to be a part of the regional jail planning process, it had to identify a potential site for a regional jail. Shoreline considered four overarching criteria when evaluating sites: 1) adequate acreage; 2) ease of acquisition; 3) current use; and 4) regional access. Shoreline is a residential community with very limited industrial and commercial space making siting a facility such as a jail very difficult. Those areas of the City zoned for industrial or commercial use are mostly located in a narrow band along Aurora Avenue North and are adjacent to residential neighborhoods. In addition, few of the

properties zoned commercial in Shoreline are of sufficient acreage to accommodate the proposed jail facility. Those that are of sufficient acreage have substantial commercial activity located on them, which contributes to the economic vitality of the City.

Shoreline is committed to being part of a regional solution to the misdemeanor jail bed issue and believes that it is in the best interest of cities and the County to find the most efficient and effective solution to the problem.

**\*16. Will the NEC provide “compensation” to the city where the jail ends up being sited?**

Wherever the jail ends up being built, there will be impacts to the surrounding area and community. Most of those impacts, and ways to mitigate them, will be described in the Environmental Impact Statement (EIS). Any “compensation” provided to the city siting the jail will come in the form of mitigating the impacts of the jail on the surrounding community, such as improving stormwater systems, improving traffic flow, widening streets, or installing sidewalks.

**\*17. Why is the Shoreline site still under consideration when the Shoreline School District has said it will not sell the property to the NEC?**

It is still early in the process and the NEC has not made a final siting decision, let alone made any offers for the purchase of any of the proposed sites. Once a final site is determined, the NEC will begin the process to purchase any necessary property. The NEC will work closely with the property owner(s) to determine the purchase price. If the owner refuses to sell the property, the NEC will use its eminent domain power to force the sale. A jail is considered an essential public facility and the NEC could use its eminent domain power to force the sale of any of the proposed sites.

**\*18. What factors will be considered when the NEC city councils make their final siting decisions?**

When the city councils from the five principal NEC cities make the final siting decision, they will rely on a number of important factors. These include, but are not limited to, the results from the EIS study, the hundreds of comments submitted by citizens to the NEC as part of the process, the social impacts to the surrounding communities and the city in general where the jail is sited, issues related to the transportation of inmates, the location of services needed to help inmates upon release, and possible mitigation options for whichever city ends up siting the jail. Political considerations as to how each city relates to the region will also be part of the decision-making process. Finally, each city council will make their final decisions based on what they believe is in the best interest of their respective cities and the region.



**\*19. How will the decision be made on the preferred alternative for the final Environmental Impact Statement (FEIS) and who will make that decision?**

In deciding on the preferred alternative, the principal cities will strive for consensus. If consensus cannot be reached, then three cities must agree on the preferred alternative with one being Seattle and one being any city where the preferred alternative would be located. Shoreline's City Council will vote its preference for the preferred alternative during one of its Council meetings and will provide ample opportunity for public input. It is also possible that the EIS could be issued without a preferred alternative.

It is important to remember that deciding on the preferred alternative for the FEIS is not the same as making the final siting decision. The final decision will come after the publication of the FEIS since councils will use the FEIS to help inform their final decisions.

**\*20. Will the public be provided advance notice when the City Council makes a decision on the preferred alternative?**

Yes. The City will post notices on its website and provide information through other means of communication when it comes time for the City Council to deliberate. In addition, the NEC will post the different city council agendas on its website and provide an email notice to those parties that have signed up on the NEC website to receive email notices. If individuals would like to be placed on the email list for future notices, sign up on the comment page of the NEC website at [necmunicipaljail.org](http://necmunicipaljail.org). Be sure to check the box saying you would like to receive email updates.

**OPERATIONS**

**21. How much will it cost to operate a regional jail?**

It is still very early in the process, but according to the results of the feasibility study conducted on behalf of the north and east cities, the per diem cost of operating a 200-bed facility is by far the most expensive option, whereas operating a 640-bed facility is the least expensive due to the economies of scale.

The affect of the staffing disparity shows up in the operating costs. A 200-bed facility has an estimated per diem cost of \$311, a \$125 difference per diem. The biggest driver in this disparity is staffing ratios. A 200-bed facility has an inmate to staff ratio of 1.56, whereas a 640-bed facility has a ratio of 3.43 or 1:3.

**22. What types of offenders will be housed in the new jail?**

The jail will be a regional municipal jail that houses the north and east King County cities' misdemeanor populations. Misdemeanor convictions carry maximum sentences of 365 days (1 year) or less. It is important to remember

that a jail is not a prison, which is a state or federal facility that houses the felon population.

**23. What is the difference between a misdemeanor and a felony?**

Misdemeanors are relatively minor crimes that can carry maximum sentences of 365 days (1 year) or less. Felonies are more serious crimes that can carry maximum sentences of more than 1 year. The majority of Shoreline's misdemeanants are in jail for driving under the influence (DUI), domestic violence (DV), or driving while license is suspended (DWLS.) In addition, while the average length of jail stay for Shoreline inmates is twenty-one (21) days, the majority of inmates spend 3 days or less in jail.

**24. Will juveniles be housed in a new regional jail?**

No. Only the adult misdemeanor population will be housed in the new jail. King County continues to house juvenile detainees at its Youth Service Center.

**25. What is the difference between a city jail, a county jail, and a state prison?**

City jails hold a city's misdemeanor population. County jails house a county's misdemeanor population and its felony population. State prisons house convicted felons serving sentences longer than one year. It is important to remember that the jail the north and east cities are planning for will be a regional city jail that houses the cities' misdemeanor populations.

**\*26. If the County runs out of room again, would the cities contract with the County to house felons to make money?**

No. Anyone charged with a felony, even if they plead down, must serve his or her time in a county jail or state prison. Only those cases processed by a municipal court will serve time in a misdemeanor facility. Municipal courts hear only misdemeanor cases. If someone is charged with a crime that is a felony, his or her case must be heard in a state or county court and any time subsequently served must be in a facility designated for felons. This will only be a misdemeanor jail.