



EXECUTIVE SUMMARY

In order to respond to a growing detention population that is projected to exceed detention capacity, and to determine if there are inmate populations being housed in the jail that could be sanctioned in a less restrictive manner, the King County Council established the Adult Justice Operational Master Plan (AJOMP). Through Motion 11001, the King County Council authorized the work plan, staffing, and funding of the AJOMP with the purpose and the recommendations contained in this report to:

- Explore alternative types of sanctions that would meet the needs of public safety, be cost effective, reduce future criminal behavior,
- Identify justice system process improvements that will reduce costs, and
- Establish a capacity framework and recommendations for King County detention facilities, including addressing the need to build additional jail capacity for the next decade.

Inmate Population Forecast Compared to Capacity

The 2001 total detention population ADP was 2,906, and has grown at an average of 3% per year for the past 4 years. The AJOMP group in conjunction with the Department of Adult and Juvenile Detention developed a population forecast that assumed a 3% annual overall growth rate through 2010, and assumed all eligible inmates were diverted to current alternatives such as work release based on existing criteria.

If the recent practices that have affected jail use do not change and the status quo continues, the County's adult detention facilities will be out of needed beds by a forecasted amount of 69 in 2005 growing to 622 beds by 2010.

From 1990 to 2000, King County's jail Average Daily Population (ADP) grew 70%. The major drivers in the growth in the adult detention jail ADP over the last decade were an increase in the average length of stay (ALOS), which increased on average 6 days per case or 50%, and an increase in the number of jail admissions by 21% or 11,000 admissions.

- On the Misdemeanant side, 60% of the increase in ADP was driven by public policy (change in DUI laws and domestic violence cases). The remaining 40% is not directly attributed to any one event but a collection of demographic, public policy, and criminal justice court changes (e.g. arrest and conviction rates, crime in society, judicial sentencing, prosecutorial practices, etc....).
- The felony population ALOS remained relatively stable from 1990 to 2000. But, the number of pre-sentence felony admissions increased dramatically by 69%. This growth is almost entirely accounted for increases in two categories – drugs and non-compliance (many of which are associated with drug charges). Drug cases are the single biggest workload factor in the felony system - 37% of the Superior Court filings in 2001.

In order to accomplish the outlined objectives, the AJOMP established three inter-jurisdictional and inter-agency groups led by judges of the King County Superior, District Courts, and Seattle Municipal Court. The Felony Work Group and Misdemeanor Work Group addressed process changes in handling of cases; and the Alternatives Work Group reviewed populations and appropriate "best practices" to provide additional options to incarceration. An Advisory Committee chaired by the Honorable Bobbe Bridge, Washington Supreme Court Justice, provided oversight to the three work groups. The AJOMP worked in collaboration with representatives from King County, state criminal justice agencies, local cities, and human service and community stakeholders.



King County has a statutory duty to house felons, and state-filed¹ King County misdemeanants, and therefore, are the high priority populations for King County. King County does not have a statutory obligation to accept city misdemeanants, which currently make up approximately 20% of the total detention population. The following recommendations in process and alternatives, while being available to all populations, will be targeted first at the high priority populations to alleviate jail crowding and future building of jail capacity.

AJOMP Work Group Recommendations

Felony and Misdemeanor Work Groups

The objective of the Felony and the Misdemeanor Work Groups was to review, analyze, and recommend changes to the pre-trial population, which comprised approximately 51% of total 2000 population. Each work group produced recommendations to improve how cases are handled and actions to reduce the impact of pre-sentence inmates (those awaiting trial or sentencing) at the detention facilities. Eighteen recommendations for implementation by King County were put forth by these two groups that could incrementally and cumulatively reduce jail population, including:

- Reminder calls to reduce failure to appear at judicial proceedings (already partially implemented).
- Recommending the use of electronic home detention (EHD) and work education release (WER) for pre-sentence defendants.

For a complete list of all eighteen recommendations, please refer to the section titled “Alternatives to Address Capacity Forecast – Process (front end) changes that decrease population”.

Alternatives Work Group

The AJOMP commissioned the Alternatives Work Group to review, analyze, and recommend alternatives to incarceration. The team reviewed “best practices” from other jurisdictions and recommended implementation of a day reporting center focusing on failure to comply populations.

Day Reporting Center

The Executive is piloting a Day Reporting Center program serving 25 low-level, low-risk offenders primarily aimed at the failure to comply jail population. A Day Reporting Center (DRC) is a non-residential intermediate sanction that combines high levels of control with intensive delivery of treatment and other services. (After an evaluation of the pilot DRC, possibly expand the program to include a greater population and possibly move to a larger location, to include expanded day-treatment services.)

2002 Budget Proviso

Treatment Options

In the 2002 budget the Council requested the AJOMP project make recommendations for more effective use of treatment resources to reduce jail use, and make recommendations regarding the use and continued operations of Cedar Hills Addiction Treatment Facility (CHAT) and North Rehabilitation Facility (NRF).

¹ State filed cases are primarily Washington State Patrol cases and cases from unincorporated King County.



Cedar Hills Addiction Treatment Facility (CHAT)

Cedar Hills is a 202-bed residential treatment facility primarily serving chronic inebriates and long-term drug addicts. While the client capacity is 202, currently only 168 of those beds are under contract with an average daily census of 130. The primary source of revenue supporting the services provided at the facility is state funds. The rates paid by the state, however, are insufficient to cover the expenditures incurred in providing services. As a result, the facility has been operating at a deficit for several years. The Current Expense (CX) subsidy to the state program was 1.4 million in the 2001 budget.

Recommendation

1. It is the recommendation that the Cedar Hills Addiction Treatment Facility currently owned by King County and operated by the Department of Community and Human Services (DCHS) be shut down effective December 31, 2002, with a phase down starting in mid-2002.

North Rehabilitation Facility (NRF)

The NRF is a “special detention facility” that provides the state-certified chemical dependency *Stages of Change* treatment program and jail industries (in-custody work crew), as well as life skills programming (e.g. GED, employment counseling, parenting skills, etc.). About 45 of the 192 inmates housed at NRF on average every day participate in the state-certified substance abuse treatment program. The “special detention facility” designation and the agreement with the community allow certain inmates meeting low-risk eligibility criteria to serve their detention time at NRF.

There is a larger population in jail who could benefit from these programs, but are not eligible to be housed at NRF due to their charge or criminal history. Given the deterioration of the physical plant, there is consensus that the structure cannot continue in its current state. The cost to construct a new 350-bed facility at the NRF site was estimated at \$22 million in 2001.

Recommendation

2. Expand treatment readiness programs to the minimum-security section of the Seattle - KCCF (commonly referred to as the West Wing) and close the North Rehabilitation Facility structure beginning in early 2003 with full closure by mid 2003. Re-programming the minimum-security section to provide the treatment readiness and programs for the offender population would:
 - Provide services to potentially a larger number of inmates than are currently eligible at the NRF structure, an increase in program space capacity of 104 beds.
 - Avoid the cost of the County re-building a limited-use facility that would only partially address the future population and capacity issues.

Transitional Treatment Options in the Criminal Justice System

Recommendation

Studies have found that coerced treatment (treatment as part of the judicial sanction in the detention facility) can be effective in reducing recidivism; however, treatment that does not extend beyond the jail is not nearly as effective as an approach that is seamless from the jail into the community.



3. With the recommended closure of NRF and CHAT, and given the Current Expense financial crisis facing the County, the AJOMP recommendation is to reserve up to \$3 million of the expected \$7 million in annualized savings from closure of NRF and CHAT to pay for the alternative sanctioning and treatment programs. Populations to target would be those offenders with substance abuse and/or mental health illnesses that are high jail utilizers with the objective to reduce recidivism and avoid future incarceration costs. Programs would build upon services already provided within the jail and in the community. There are several providers with expertise with the criminal justice population and there are successful models in the nation based on drug testing, treatment, and rewards and sanctions that should be referred to when expanding the treatment programs.
4. Related to and overlapping with alternative treatment programs, the AJOMP recommends that a portion of the prospective annualized Current Expense savings from the closure of NRF and CHAT be used for alternative sanctioning programs including a possible expansion of the pilot day reporting center and an expansion of the out-of-custody work crew program. The optimum mix of treatment and sanctioning program expenditures will continue to be developed throughout the 2003 budget process.

Jail Capacity

Out-of-Custody Work Crew

The Executive, in conjunction with District Court, recommends the expansion of the out-of-custody work crews to provide an alternative for the low-risk, low-level offender targeting the high priority populations - state filed King County misdemeanants, gross misdemeanants, and felons. An evaluation component will be established to ensure a reduction in jail population.

Prospective Changes in Practices Affecting Jail Use by Prosecutor, Superior Court and District Court

Following the issuance of the Felony Work Group and the Misdemeanant Work Group reports, the elected leadership of the Prosecuting Attorney's Office, the Superior Court and the District Court met with representatives of the Executive and County Council. They expressed their commitment to working expeditiously on changes in prosecutorial and judicial practices that could have the effect of substantially reducing the ADP of felony, gross misdemeanor or County misdemeanor prisoners. Some of the prospective changes will depend on the availability of alternatives sanctioning and treatment programs described above and others will not. The elected criminal justice leaders set a goal for themselves of reducing the non-city prisoner ADP by 400.

Contract Cities

For many decades King County has contracted with most of the cities within its boundaries to provide jail services for city misdemeanants. King County and its contracting cities currently are negotiating a new contract that reflects both parties' desire to substantially reduce cities' use of the King County jail facilities. Most of the contracting cities are planning to contract with other jail providers for a large portion of their prisoners. The current plan as expressed by the cities' contract negotiating team is to reduce the cities' aggregate ADP in the King County jail facilities down to about 250 ADP by 2004. If all contracting cities choose to use other jails or other correction alternatives for all their pre-sentence and sentenced inmates, the impact on King County's forecasted jail population is significant. Even if the planning goal of a reduction of 400 ADP set by the criminal justice leaders is not fully successful, the loss of all city prisoners would delay the date by which we need additional jail capacity until 2010.



Conclusion

Implement the AJOMP work group recommendations and pilot the programs with the goal of expanding the targeted populations as evaluations are completed, assessed, and outcomes measured to ensure the needs of public safety are met, the programs are cost effective, and provide the appropriate level of sanction for the crime. Implementation of the AJOMP process recommendations is dependent on a continued collaborative effort between King County, local cities, Superior and District Courts, and human service providers.

In December of 2001, the cost to expand the RJC to add 428 new secure beds was estimated at \$32 million with an annual operating cost of \$7 million. The lead-time needed to plan, design and build additional jail capacity is about four years. Due to current financial constraints, King County is not in a position to allocate resources to construct and operate a secure detention expansion. The current financial crisis and the prospects for success in reducing the jail population militate in favor of working aggressively between now and the middle of 2003 on jail population reduction measures, monitoring the effects closely and deciding by the end of 2003 whether to initiate jail capacity expansion.

In the worst case that none of the changes in prosecutorial and judicial practices are successful in reducing the non-city prisoner population and that the cities are unsuccessful in arranging the alternatives to using the King County jail facilities, King County would need to make a decision almost immediately to prepare for expanding jail capacity. In the best case, by successfully implementing the population reduction strategies (i.e. the AJOMP process recommendations, contract cities choosing alternatives for their misdemeanor populations, and the impact of the planning goal from the Prosecuting Attorney's Office, Superior Court, and District Court), King County will be able reduce bed capacity by closing the North Rehabilitation Facility and defer needing to build secure detention facilities, and will avoid other inmate population management options such as early release of inmates and restricting inmates from being detained in the jail.

Forecasted Jail Capacity/Population Best Case Scenario						
Year	City Misdemeanants reduce population to 250 ADP by 2004	Elected Criminal Justice Leaders reduce by planning goal of 400 ADP by 2004	Total ADP	Total ADP inflated for seasonally in population (peaking factor)	Capacity 2010*	Forecast Surplus/ (Deficit) (Capacity less Total Peaking ADP)
2002	570	2,405	2,975	3,115	3,233	118
2005	250	2,273	2,523	2,663	3,233	570
2010	250	2,703	2,953	3,114	3,233	119

Notes: *: Capacity includes Secure Detention of 3,085 beds less 112 for vacancy, Day Reporting of 75, EHD of 35, WER of 150 (NRF closes and reduces capacity by 192 beds). Detail by sanction alternative on page 31.

Forecasted Jail Capacity/Population Worst Case Scenario						
Year	City Misdemeanants are not moved to alternatives	Elected Criminal Justice Leaders planning goal is not realized	Total ADP	Total ADP inflated for seasonally in population (peaking factor)	Capacity 2001*	Forecast Surplus/ (Deficit) (Capacity less Total Peaking ADP)
2002	620	2,405	3,025	3,165	3,390	225
2005	632	2,673	3,305	3,459	3,390	(69)
2010	730	3,103	3,833	4,012	3,390	(622)

Notes: *: Capacity includes Secure Detention of 3,085 beds less 112 for vacancy, NRF of 192, EHD of 35, WER of 190. Detail by sanction alternative on page 16.