



CITY OF KIRKLAND
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MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager

Date: June 22, 2008

Subject: RESPONSE TO KING COUNTY COUNCILMEMBER PATTERSON REGARDING CRIMINAL JUSTICE SYSTEMS AND JAIL CONSTRUCTION

RECOMMENDATION:

City Council approve the attached letter to King County Council Chair Julia Patterson in response to her email concerning extension of the contract for jail services, construction of regional jail facilities and coordination of regional justice services.

BACKGROUND:

On June 5th, King County Chair Julia Patterson sent an email to all suburban cities' mayors regarding the future of the regional justice system in King County. The correspondence included draft legislation which was introduced at a King County Council meeting on June 16th (see attachment A for correspondence and legislation).

The legislation is in response to King County cities' intent to construct new jail facilities in anticipation of the expiration of the current contract between the cities and King County in 2012. Since the contract for jail services was first signed in 2002, the cities have worked with King County to monitor available jail beds. In a recent contract reopener regarding rates, the cities requested a two-year extension to the contract to enable more time for jail planning and construction in exchange for our consideration of a change in the rates. New jail facilities generally take at least six years to plan, site, construct and open. King County staff indicated that they would not be able to accommodate the cities after 2012 and the contract negotiations were ended. A summary of recent jail planning activities is included as Attachment B.

A letter of response to King County was jointly drafted by members of the Jail Advisory Group (see Attachment C). It is recommended that the City Council approve the letter which indicates the cities' interest in a contract extension and willingness to discuss regional planning efforts. The letter also emphasizes the need for timeliness in these discussions. The King County Council is scheduled to resume discussion of the proposed legislation in mid-July.

ATTACHMENT A

Honorable Mayors of King County:

The County Council would like to engage city elected officials in a conversation about the future of our regional justice system, with special attention to adult detention programs. The Council is considering adoption of legislation (electronic copy attached for your convenience) inviting city officials to share your views on continued access to the county adult detention system. We believe that opportunities may exist for city use of county jail space on an interim basis through at least 2014. Assuming that the Legislature, county and city officials can resolve the significant and structural budget problems facing our local governments, there also may be opportunities to partner on long-term jail capacity.

Where the problem started:

In 2000, the county prepared a twenty year assessment of jail prisoner population trends and capacity needs for the region. The report reached the shocking conclusion that:

“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.”

On the heel of these disturbing jail capacity projections, county government faced a significant budgetary crisis as a result of limits placed on annual property tax growth. General government operations in county government rely heavily on property tax revenues for program support. As a result of these two events, in 2002 King County asked cities to remove their misdemeanor prisoners from the county jail system by the end of 2012.

Simultaneously, the County Council adopted a series of integrated justice system efficiency measures and strategies contained in an “**Operational Management Plan**” in an attempt to reform the way the regional justice system operates and better manage our burgeoning jail population. These reform measures have been highly effective and has saved well over \$100 million, thanks to years of effort by the Prosecuting Attorney, Superior & District Court judges, city and county law enforcement officers and other justice system stakeholders.

Cities Step up and Respond to this Jail Crisis:

Cities immediately set about planning interim and long-term jail capacity options for city misdemeanor inmates detained on city charges. Contracts running through 2010 were signed with Yakima County for city prisoners. Several sub-regional assemblies have conducted detailed planning efforts to build and operate city-owned jail capacity. The County Council understands that city jail population forecasts have identified a need for 1,450 city jail beds over the next 20 years (2006-2026), to be provided by one or more of these jail capacity permutations:

- The South County cities estimate a need for about 800 beds and build a jail, and
- 192 bed jail needed for the North and East Cities, not including Seattle, or
- A 632 bed jail could be built which would accommodate all North and East Cities, including Seattle, or
- Seattle could develop a 440 bed jail to meet their own bed needs. (The City of Seattle maintains an excellent website for their municipal jail project at www.seattle.gov/municipaljail/), and
- Several cities with their own municipal jails may or may not add additional capacity.

County Executive staff does not anticipate long-term capacity problems for county prisoners (felons and unincorporated area misdemeanants), provided that city misdemeanants and eventually state DOC holds are denied access to county facilities.

What does the County Council hope to accomplish working together?

We believe that there are **short-term** problems we can solve to our mutual benefit.

- Today, King County operates the only jail facilities that can detain inmates with serious medical or psychological conditions or behavior problems. These “at-risk” prisoners require very costly care.
- Cities still struggle with transport and inmate access problems at remote Yakima County facilities.
- Everyone needs more time to allow the planning process and development of new capacity to be properly completed. Perhaps – given the successes of our “Operational Master Plan” – sufficient capacity can be found in the county jail system to give everyone more breathing room.
- Cities and the county still need to resolve how new human service levy funds and money for mentally ill can be integrated into the justice system to further reduce all of our costs.

We believe that there are **long-term** advantages to working together, also.

- Cities can benefit from justice system efficiency measures and strategies implemented by the county over nearly a decade of reform.
- County experience has shown that the better integrated the component parts of the justice system are; the better the outcome. Local officials should carefully think how one, two or possibly three new municipal jails will coordinate their programs with other affected jurisdictions and agencies.
- County government can benefit by adapting city “best practices” into regional programs, improving the quality of justice and streamlining costs.

As noted above and reported recently in the press, King County is obviously not in a financial position to make long-term promises to solve the jail capacity problem. Likewise, the Council is not suggesting that cities delay or discontinue their prudent, ongoing efforts to develop critical jail capacity.

However, the Council has a high level of confidence that solutions can be identified and implemented when we work with our city partners, based on other recent successes such as human service funding and the coordinated responses to the endangered species listing(s).

I appreciate your thoughts on this issue, and on the attached legislation which will soon be brought before the Council for discussion and possible action in the weeks ahead. Please contact Michael Huddleston,

the County Council's municipal government contact at (206) 296-1672 if you have questions or need additional information. Thanks so much for your interest!

Julia Patterson, Chair

Metropolitan King County Council

<<Regional Jail Draft for City Comment.doc>>

Date Created:	June 3, 2008
Drafted by:	
Sponsors:	DRAFT LEGISLATION
Attachments:	

AN ORDINANCE relating to regional jail services; requesting re-opening of the interlocal agreement between King County and the contract cities for jail services originally executed in 2002; and establishing criteria for the negotiation of new long term contract for jail services.

STATEMENT OF FACTS:

1. The King County Department of Adult and Juvenile Detention operates one of the largest detention systems in the Pacific Northwest. The adult secure detention system is responsible for over 50,000 bookings a year and houses an average of 2,500 pre- and post-adjudicated misdemeanants and felons every day housed in two facilities located in the cities of Seattle and Kent. The department's Community Corrections Division serves over 6,000 individuals a year in court ordered alternatives to secure detention and other treatment programs. The department's annual budget for 2008 is \$120 million, \$147 million when the costs of jail health services is included.

2. As late as 2000, the county was planning to build a third adult jail which would have included significant capital investment and commensurate increases in annual operating costs. The county, in 1999, had projected that the 2008 detention population would be over 3,800 adults in jail every day significantly exceeding the county's overall secure detention capacity.

3. Since 2000, the county has worked to manage criminal justice system costs through the implementation of the Juvenile Justice Operational Master Plan (JJOMP), the Adult Justice Operational

Master Plan (AJOMP), and the creation of the Community Corrections Division, supported by the Criminal Justice Initiative. The council adopted as county policy that secure detention would only be used for public safety reasons and that the county develop alternatives to secure detention, provide treatment resources, and improve system efficiency. The council assured that resources were available for the new Community Corrections Division and new treatment programs in the Department of Community and Human Services. In addition, the county's Criminal Justice Council worked, as a system, to improve case processing in both the Superior and District Courts. These improvements were aided by system improvements implemented by the prosecutor and public defense.

4. These initiatives have resulted in reductions in jail populations that are well below historic projections. The county, in 1999, had projected that the 2008 detention population would be over 3,800 adults in jail every day. In contrast, as the result of significant policy and operational changes, the 2008 budget assumes an average daily population (ADP) target of 2,584. The cumulative impact of these policy changes have resulted in significant changes in the county's use of jail that have allowed the county to avoid costs of over \$250 million and avoid building new detention capacity. This current detention population includes over 200 ADP for state inmates held under contract. Consequently, the county has significantly more capacity than it had anticipated in 2002 and its current needs.

5. Cities have historically contracted with King County for jail services. However, based on early 1999 projected jail population projections and general fund budget constraints, King County determined that all existing county detention capacity would be needed for county inmates. The county is required to house felons and "county" misdemeanants, but not city misdemeanants or state "holds" (those under state supervision, who are in violation of community supervision orders). The county has always charged cities to house their inmates. Some cities operate their own jail facilities and most cities have their own court systems, although a significant number contract with the county's District Court.

5. In 2002, to reduce overall jail populations, the Executive negotiated a new contract between King County and cities that established an aggressive schedule to reduce city misdemeanor population and to remove those inmates from county jails entirely by 2012. The council adopted this jail services agreement in Ordinance 14573.

6. The current contract arrangements and the cities' attempt to minimize costs has resulted in the frequent movement of inmates between facilities which increases the inefficiency in jails, the courts, and other criminal justice agencies. In addition, the system of county/city jails leads to duplication of effort; higher costs; redundant technology and information systems, and results in policies, practices and forms that are incompatible.

7. In response to the current contract requirement that all city misdemeanants be removed from county facilities by 2012, the cities have reviewed a variety of options for building new detention capacity and could add several hundred new jail cells for city inmates. However, the cities have not pursued a planning effort that would improve criminal case processing or add alternatives to secure detention. Consequently, the plans for new jail space are significant, yet would probably not lead to any significant improvements in city justice systems or to crime rates.

8. As part of continuing King County's criminal justice improvements, the King County Integrated Regional Jail Initiative seeks to identify and explore opportunities to form a regional partnership to create a seamless, efficient, and cost-effective system for booking, housing, transporting, and managing inmates. An integrated regional system will improve public safety, help to contain jail costs, and has the potential to foster additional improvements in the larger criminal justice system.

9. As part of this regional approach the executive re-opened negotiations with the cities in 2007. These negotiations, for the county's side, centered on creating a differentiated pricing structure that recognizes the higher costs of detention for mentally ill or sick inmates, while the cities sought to extend

the deadline for removing city inmates from the county facilities. The Executive reports that these negotiations are on hold.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

Section 1. It is the intent of the council that the King County Executive complete negotiations with cities for the extension of the jail services agreement two years beyond its current December 31, 2012 termination. Furthermore, it is the intent of the council that the executive increase the average daily population limits contained in the existing agreement.

Section 2. The council also finds that the principal regional county responsibility of maintaining public safety is best served through the integration of criminal justice services as exemplified through the county's Adult Justice and other Operational Master Planning policies. As a consequence, it is the intent of the council that the county should continue to be the primary provider of secure detention and community corrections programs, and that in keeping city inmates within the county the system, the executive consider negotiating a long term contract with the cities that includes the following components.

A. The negotiation of contracts for jail, court, prosecutorial, defense, and law enforcement services as a single contract, allowing the city participation in the provision of integrated criminal justice services.

B. The provision of all community corrections services, alternatives to secure detention, and therapeutic courts to city misdemeanants on a reasonable cost recovery basis, which would include the capital costs of expanding alternatives and community programs.

C. The requirement that cities that choose not to contract for District Court services, but intend to use county detention programs, must demonstrate that the city's municipal court fully conforms to regional court reforms, uses county systems for reducing secure detention, and allows for other courts to fully adjudicate any cases pursuant to the compact allowed in RCW and Court Rule.

Section 3. It is the intent of the council that the executive also negotiate with both the state and the cities to develop a capital plan for the expansion of both secure and community corrections programs.

SUMMARY OF CURRENT REGIONAL JAIL PLANNING EFFORTS

Jail Contracts:

Most of the cities in King County contract with Yakima County and King County for the majority of their misdemeanor jail needs. The current King County and Yakima contracts expire at the end of 2012 and 2010, respectively.

In 2007, King County exercised its option to reopen the current contract in an attempt to increase revenue with the use of variable housing rates. This approach would have resulted in annual increased costs of approximately \$2 million to the cities. As part of those negotiations, the King County cities expressed two interests: an extension of the existing contract until 2014; and the continuation of the 330 bed aggregate bed cap for the duration of the contract. Negotiations reached an impasse because King County does not anticipate having the available bed capacity to be able to extend the contract. The cities and King County agreed that discussions will begin again if changing conditions allow King County to address the cities' requests.

In June of 2008, County Councilmember Julia Patterson sent a correspondence to suburban cities' mayors proposed County legislation to extend the cities' jail contract for two years and inviting cities to engage in a partnership with King County to plan for new jail facilities (see Attachment A). The JAG Assembly will prepare a response to Councilmember Patterson's correspondence and proposed legislation.

Thirty King County cities currently contract with Yakima County for 440 jail beds, and the majority of the cities have expressed interest in continuing with Yakima County beyond the current contract expiration of December 31, 2010. The cities, represented by the JAG, and Yakima began negotiations in February 2008 with the goal of insuring the cities have access to Yakima beds until 2014. Yakima Department of Corrections officials have stated their interest in having a completed agreement signed by the end of summer 2008, and the cities are in the initial stages of providing input to Yakima on their draft contract. The expectation is that each signing city will enter separately into the same agreement with Yakima County, and that the only variations will be the contract length and the city's bed commitment. This stop-gap measure only partially alleviates the impending bed shortage, and does not address the cities' need for psychiatric and medical jail beds, a service that is currently offered only by King County.

Jail Bed Need and Planning:

In 2006, the King County cities collectively hired Ricci Greene and Associates (RGA) to do a study identifying long term jail needs. The study included a forecast that King County cities will need approximately 1,175 jail beds by 2011, and 1,450 by 2026. These figures take into account an assumed 10.6% bed need reduction due to an increased use of alternatives to incarceration.

The Ricci Greene and Associates study included 12 jail planning options that would address the cities' need to create a jail system instead of a city-by-city response. Each of the planning options included the possibility of building one or two new jails, with or without utilizing King County jail beds, and the region

was divided into North, East and South county areas. It was assumed that jails constructed as a result of these planning options would result in one or more jails that would provide 24/7 booking, jail beds for medical/mental health populations, and some form of arraignment or full court services at each facility.

The current jail planning endeavors are developing along similar regional areas and operational expectations as described in the Ricci Greene report. The Jail Administration Group (JAG) cities have organized as follows: the NECC (North/East Cities Committee) is representing 22 King County cities north of Renton and Burien to plan for a jail facility to address those cities' bed need; the SCORE (South County Correctional Entity) group is planning for the same in south county.

The SCORE group consists of the cities of Auburn, Des Moines, Federal Way, Kent (not a JAG city), Renton and Tukwila. The group funded a still ongoing feasibility study that was begun in November 2007. The study has revealed that an 808 bed misdemeanor jail facility to address all south county jail bed needs would cost approximately \$90 million to be built, with completion by third quarter 2011. The annual operating budget, including debt service would be approximately \$27 million. These costs would result in a daily housing fee of \$94, in 2008 dollars. A commercial real estate broker has been hired to help the group find viable sites, the group's goal is to acquire a property by the end of this year. Jail construction will have to begin by mid-year 2009 in order to have the facility completed and operational by the end of 2011.

The NECC group began their own feasibility study in April 2008, which is scheduled to be completed by fall of 2008. The cities that have been participating in the committee are Bellevue, Kirkland, Issaquah, Lake Forest Park, Newcastle, Redmond, Seattle, Shoreline. The committee is managing the two phases of the study:

Phase 1 will result in a basic spatial program for 200, 440 and 640 bed facilities (options for eastside cities only, Seattle only, and all cities including Seattle), an evaluation of initial candidate sites, construction and operating cost estimates for the three potential facility sizes, and a basic definition of per diem charges.

By May 15-21, 2008, the cities of Bellevue, Kirkland, Redmond, Seattle, and Shoreline provided the consultant with representative sites from their jurisdictions for evaluation and ranking. It is understood that this is a multi-step site selection process. Concurrently, Seattle is evaluating four possible sites within its city limits for a 440 bed jail facility that would only serve their incarceration needs.

The cities will be providing information about the representative sites to the consultant that will allow them to evaluate the feasibility and characteristics of the site to accommodate the different jail options. The Phase 1 report will include information on the outcome of the evaluation, but it will not identify specific sites. In all reporting by the consultant, the evaluation of representative properties will be identified with a naming method (e.g. "Site A", "Site B", etc). However, once the sites are narrowed through the evaluation process, the locations will be made public.

In June, the NECC will be informing city managers and elected officials on the study details and progress. Two main workshops will occur during the first and last weeks of June, and the dates have not yet been determined. At these meetings, the NECC will use the consultant's parcel naming structure when identifying sites in order to further insure that the representative site details are not released prematurely.

The first workshop took place on June 6th and provided information on the cost and space requirements that the consultant has developed as well as details on the process being used to evaluate the representative sites. The preliminary results from the consultant indicate that significant savings in operations and capital can be achieved by constructing one 640-bed facility rather than two separate smaller facilities. The table below shows the estimated per diem (daily rate) for each of the planning scenarios.

	200 Beds	440 Beds	640 Beds
Per Diem for Operating Costs	\$194.54	\$124.36	\$103.75
Per Diem for Capital Costs	\$65.40	\$58.57	\$56.08
Total Per Diem Costs	\$259.94	\$182.93	\$159.83

The second workshop will include an evaluation of the representative sites and an explanation of the next steps that must take place.

Once a decision has been made about which options will move into Phase 2 study, the participating cities will determine which, if any, of the representative sites will be utilized for the more detailed pre-design evaluation by the consultant. Additional sites will be considered at that time as well. It is planned that only one or two representative sites will be used for the pre-design evaluation. Specific parcel information will not be disclosed until there is the need to initiate the public SEPA process.

The consultant, Carter Goble Lee, will be leading the workshops.

Phase 1 of the NECC study will be completed by the end of June 2008, and depending on the results, the city of Seattle will determine whether or not to continue with the study.

Phase 2 will specifically define the facility size, an architectural plan, and site development concepts.

Next Steps:

The SCORE and NECC groups are searching for viable sites to acquire for their respective jail facilities until at least the end of this year. If Seattle decides to drop from the NECC study after Phase 1, they will also be undergoing the same site acquisition process for their own jail facility. The JAG will prepare a response to Councilmember Patterson’s correspondence regarding regional jail planning.

As subgroups of the JAG, both regional jail construction planning efforts are communicating with each other and will continue to do so. In addition to participating in the NECC and SCORE, several individual cities are also researching the viability of constructing city jails for their own needs.

The JAG cities are still working with King and Yakima counties to find a means to access jail beds after the expiration of the current contracts.

DRAFT

July 2, 2008

The Honorable Julia Patterson, Chair
King County Council
516 Third Avenue, Room 1200
Seattle, Washington 98104

Dear Councilmember Patterson;

We would like to thank you for your letter dated June 5, 2008. We appreciate the Council's intent to extend the jail services contract with King County to 2014 and are interested in discussing the details of a possible extension.

While each city will make their own determination as to whether a contract extension is desired, it is clear that extending the contract to all cities by two years would allow a more realistic timeframe for additional jail facilities to be sited and built. Typically it takes at least six years to site and build a jail. The cities only have four and a half years until the current contract expires.

In the recent jail contract re-opener discussions, the cities requested that the King County Executive consider a two year extension to the contract. Earlier this year, staff from King County said that based on their jail population projections, they would only be able to guarantee 40 – 150 beds for the cities in 2013 and 2014 – far less than the cities currently use. It would be helpful to know what has changed that would now allow the County to guarantee sufficient beds for all the cities. It would also be helpful to know how this offer may be affected by plans for the County to rent additional jail beds to other governmental agencies like the State Department of Corrections.

If King County is truly interested in discussing the possibility of a regional partnership with the cities, we believe that the process to expand the Regional Justice Center (RJC) in Kent would need to start as soon as possible. We assume that this means that the County would include funding in its 2009 capital budget to start the expansion process.

As you are well aware, expanding the RJC would only add 460 more beds to the system – which is much less than the cities' current misdemeanor population. If the County is interested in continuing to be the regional provider of jail services, then planning and siting for a third facility would need to begin immediately. An objective siting criteria and process that includes the cities would be critical to the success of this effort.

Finally, while adding two years to the current jail services contract would certainly be appreciated (as it would allow for a more realistic construction schedule for the efforts already underway), it is not enough time to get a regional effort underway and to have a new facility in place which would meet the cities'

misdemeanant needs. If King County is committed to being the regional provider for jail services, the County would need to offer a long term commitment to the cities.

These issues will need to be resolved by September 2008. Otherwise, the cities will have to continue forward with their current plans in order to be able to replace the beds we are losing at King County by January 1, 2013. We look forward to further discussions with you on this matter.

Sincerely,
KIRKLAND CITY COUNCIL

By James L. Lauinger
Mayor

Cc: King County Council
Ron Sims, King County Executive