

## Public Safety Committee Meeting Minutes

Date: March 21, 2019

**Attendance:** Penny Sweet, Jon Pascal, Toby Nixon, Kurt Triplett, Tracey Dunlap, Marilynne Beard, Kevin Raymond, Cherie Harris, Shawn Stredwick, Michel St. Jean, Michael Ursino, Joe Sanford, Dave Van Valkenburg, Tim Day, Michael Lambo, Tracy Jeffries, Heather Kelly, Eli Panci, Amy Bolen

### Agenda Item:

### Action Items:

#### 1. Potential Woodinville Jail Contract

Marilynne Beard reviewed Attachment 1. Judge Lambo expressed support of providing jail services to the City of Woodinville. Lambo asked if we could also provide work release services. Chief Harris isn't opposed, but suggested waiting until after onboarding general jail services, noting work release prisoners cannot mix with general population. Councilmembers were all in favor. Councilmember Nixon asked that the City be able to show the community how the additional costs will be covered. Detox cell renovation expected in Jun, to create more bed space. Contract could begin after construction is complete.

- Staff will negotiate contract to present for Council consideration and include details on how additional expenses will be covered.

#### 2. Bothell Court Study

Marilynne Beard reviewed Attachment 2. The City of Bothell is performing a study including evaluation of the City of Kirkland Court as an option. We are providing data to help their analysis but no specific proposal has been made by Bothell to Kirkland.

- Staff monitor time spent on process.

#### 3. Overnight Camping Follow-Up

Kevin Raymond reviewed Attachment 3, changes in ordinance language regarding overnight camping. Councilmember Pascal suggested using a term other than "camping", and not refer to people as "homeless people", but rather, "people experiencing homelessness." Councilmember Nixon suggested adding an exception for permitted overnight use. Councilmember Nixon also suggested a real-time app for web solution for making Officers aware of shelter beds currently available in the area.

- Kevin Raymond will make suggested edits and present to full Council.
- Kurt will follow up with NORCOM regarding developing a real-time list of available shelter beds in East King County.

**Next Meeting:** April 18, 2019

## Woodinville Jail Considerations

- Benefits/Challenges for Kirkland
  - More efficient interface with Municipal Court
  - Increased security of inmates from Kirkland jail to Court
  - Additional revenue should be used to support costs (Kirkland jail programs and court security)
    - Court Security: \$98,000/year
    - Jail Administrative Support: \$90,000/year
  - Many details to work through (processes)
  
- Jail Bed Capacity
  - Estimated up to 10 beds available
  - Woodinville Average Daily Population
    - 3.14 (including female inmates)
    - 2.30 (males only)
  - Woodinville has agreed to continue taking all female inmates to King County
  - If Kirkland reaches capacity, Woodinville inmates would be refused until capacity became available

### Woodinville Estimate (excluding females)

**2018**

Average Daily Population (ADP)	3.200
Females to King County	0.850
Psych/Med to SCORE	<u>0.055</u>
Net ADP	2.295
Kirkland ADP	20
Available Beds	45
Allowance for Daily Fluctuations	<u>-15</u>
Net Available for Woodinville	10

- Transports
  - Woodinville Police to handle all transports
    - To Kirkland jail
    - To and from King County
    - To and from SCORE
    - To outside medical appointment
- Services to be provided by Kirkland Jail
  - Booking
  - Escort to Municipal Court from Kirkland Jail for hearings
  - Basic in-house medical (currently provided on a flat fee basis)
- Services not provided by Kirkland Jail
  - Electronic Home Detention (Woodinville inmates can pay private provider as an alternative)
  - Work Release (available from King County jail is desired by Woodinville)
- Financial Considerations
  - Corrections Staff Capacity – All positions will be filled after academy
  - Other marginal costs to be charged to Woodinville
  - Estimated annual revenue based on current rate of \$81,000 based on \$97/day (excludes any other special fees)
- Recommended Actions
  - Update current jail contract
    - Services provided
    - Other fees
  - Continue to work with Woodinville on details
  - Present a recommendation to City Council for approval
  - Consider additional services after one year (e.g. work release, transports)

## City of Woodinville – Jail Statistics

### Summary Report, Updated March 2019

#### Average Length of Stay (ALOS) – City of Woodinville in King County & Issaquah Jail

2019		AVERAGE LENGTH OF STAY—CITY OF WOODINVILLE
		ALOS = ADP x # days in month / # of bookings (in billing detail of monthly reports)
January 2019		9 days
February 2019		9.4 days
<b>2019 Monthly Average</b>		<b>9.2 days</b>

2018		AVERAGE LENGTH OF STAY—CITY OF WOODINVILLE
		ALOS = ADP x # days in month / # of bookings (in billing detail of monthly reports)
January 2018		5.9 days
February 2018		8.7 days
March 2018		8.3 days
April 2018		5.5 days
May 2018		9.9 days
June 2018		7.1 days
July 2018		7.1 days
August 2018		12.8 days
September 2018		24.5 days
October 2018		9.2 days
November 2018		14.1 days
December 2018		11.3 days
<b>2018 Monthly Average</b>		<b>10.4 days</b>

2017		AVERAGE LENGTH OF STAY—CITY OF WOODINVILLE
		ALOS = ADP x # days in month / # of bookings (in billing detail of monthly reports)
January 2017		13.6 days
February 2017		14.7 days
March 2017		4.9 days
April 2017		6 days
May 2017		2.2 days
June 2017		4.1 days
July 2017		2.7 days
August 2017		2.0 days
September 2017		5.7 days
October 2017		23.3 days
November 2017		6.5 days
December 2017		5.3 days
<b>2017 Monthly Average</b>		<b>7.6 days</b>

## City of Woodinville – Jail Statistics

### Summary Report, Updated March 2019

#### Male to Female Booking of Arrests – City of Woodinville in King County & Issaquah Jail

2019	MALE BOOKINGS <i>(in billing detail of monthly reports)</i>	FEMALE BOOKINGS <i>(in billing detail of monthly reports)</i>
January 2019	8	2
February 2019	6	2
<b>2017 Monthly Average</b>	7	2

2018	MALE BOOKINGS	FEMALE BOOKINGS
January 2018	9	1
February 2018	9	2
March 2018	14	2
April 2018	8	4
May 2018	8	3
June 2018	7	1
July 2018	8	0
August 2018	7	2
September 2018	5	1
October 2018	8	3
November 2018	4	7
December 2018	9	4
<b>2017 Monthly Average</b>	8	2.5

2017	MALE BOOKINGS	FEMALE BOOKINGS
January 2017	7	1
February 2017	6	0
March 2017	10	7
April 2017	8	2
May 2017	9	1
June 2017	12	2
July 2017	5	3
August 2017	9	3
September 2017	10	1
October 2017	5	2
November 2017	13	4
December 2017	10	2
<b>2017 Monthly Average</b>	8.7	2.3

#### Notes

- Woodinville's statistics only include misdemeanants (*as felons and juveniles are the responsibility of King County*)
- Behavioral issues:
  - In 2017, the City of Woodinville had only one inmate who had an extended stay at Harborview Medical Center and was charged (*a total of 43 hours with an average of 3 guards*).
  - In 2018, the City inmates were provided the following:

## **Bothell Court Services Options Study Fact Sheet**

**January 2019**

### **Study Scope:**

Bothell is evaluating three court services options by or on behalf of the City

- a. Status quo Municipal Court, with either an appointed or elected judge
- b. Contract for district court services with the East Division of King County District Court located in Redmond (includes therapeutic courts)
- c. Contract for municipal court services like the City of Kirkland (includes youth court)

### **Key Questions:**

Compare the three options based on the following criteria

- Net cost (after associated revenue) of court and associated services
- Service levels (access, hours, online service, case processing time, convenience, etc.)
- Justice outcomes and local control
- Judicial philosophy and consistency
- Impact on associated services – police, probation, detention, prosecutor, public defense, victim support and community restitution
- Impact on operations – timing, collection of fines and fees, transition costs and implementation

**Bothell Total 2017 Court Caseload: 2,981 Filings**

29% Misdemeanors (860 filings)

71% Infractions (without parking)

### **Products:**

- Draft and final graphic report by May 15, 2019
- Appendix data and sources
- Presentation to City Council by July 31, 2019

## Cases Filed: 2017 Annual Report

Court	Infraction Traffic	Infraction Non Traffic	DUI	Criminal Traffic	Criminal Non Traffic	Civil	SubTotal	Parking	Total
Bothell M	2,091	26	78	332	450	4	2,981	253	3,234
Kirkland M	3,068	35	153	487	574	4	4,321	19,858	24,179
Clyde Hill M	587	0	5	30	12	0	634	47	681
Hunts Point M	7	0	0	0	1	0	8	5	13
Medina M	69	0	13	13	7	0	102	41	143
Woodinville M	419	2	66	66	67	0	620	178	798
Yarrow Point M	14	2	3	3	2	0	24	51	75
<b>Grand Total</b>	<b>4,164</b>	<b>39</b>	<b>240</b>	<b>599</b>	<b>663</b>	<b>4</b>	<b>5,709</b>	<b>20,180</b>	<b>25,889</b>

Bothell's caseload, excluding parking, is nearly 70% of Kirkland's caseload  
Bothell's criminal non-traffic caseload is closer to 80% of Kirkland

## ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE, PARK RULES AND OVERNIGHT CAMPING.

WHEREAS, the federal Ninth Circuit Court of Appeals, in its September 4, 2018 ruling in the matter of *Martin et al. v. City of Boise*, affirmed that the Cruel and Unusual Punishment Clause of the Eighth Amendment to the United States Constitution prohibits state and local governments from criminalizing being homeless in public places or other related conduct that is an unavoidable consequence of being homeless, including sitting, lying, or sleeping on public streets; and

WHEREAS, *Martin v. City of Boise* involved a challenge to the Boise's ban on overnight camping in its city parks, with violators subject to criminal sanctions; and

WHEREAS, the Court specifically held that so long as there is a greater number of homeless individuals in Boise than the number of available shelter beds, Boise could not prosecute homeless individuals for involuntarily sitting, lying, and sleeping in public due to the constitutional protections afforded under the Eighth Amendment; and

WHEREAS, the decisions of the Ninth Circuit are binding legal precedent in Washington state and the city of Kirkland; and

WHEREAS, Sections 11.80.140 and 11.80.250 of the Kirkland Municipal Code ("KMC") effectively ban overnight camping in City of Kirkland ("City") parks between the hours of ten p.m. or eleven p.m. and dawn, subjecting violators to potential criminal misdemeanor prosecutions; and

WHEREAS, some overnight campers in City parks may from time to time be homeless individuals doing so involuntarily and simply by virtue of their present homeless status; and

WHEREAS, the City Council wishes to amend the KMC to more fully conform to the recent Ninth Circuit decision in *Martin v. City of Boise*.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code Section 11.80.140 is amended to read as follows:

**11.80.140 Camping areas.**

Except as provided for in Section 11.80.250, it is unlawful for any person or group of persons to "camp out" in any park except at places set aside for such purposes by the director and so designated by signs.

Section 2. Kirkland Municipal Code Section 11.80.250 is amended to read as follows:

**11.80.250 Parks closed between ten p.m. or eleven p.m. and dawn.**

The provisions of this section shall apply to all parks, improved and unimproved, within the city or owned by the city.

(1) Except as otherwise provided herein, all waterfront parks, including vehicle parking areas within the parks, within the city or owned by the city shall be closed to the general public between the hours of ten p.m. and dawn of the following day.

(2) Except as otherwise provided herein, all other parks, including vehicle parking areas within the parks, within the city or owned by the city shall be closed to the general public between the hours of eleven p.m. and dawn of the following day.

(3) It is unlawful for any person, other than a police officer or authorized park department employee, to enter into or remain within a park within the city or owned by the city at any time between the closing hour designated above and dawn of the following day.

(4) For the purposes of this section, "dawn" means the time of official sunrise for the particular day as published by the U.S. Weather Service.

(5) Notwithstanding any of the foregoing, it shall not be a violation of this section for any individual to enter into or remain within a park within the city or owned by the city between the closing hours designated above and dawn of the following day for purposes of camping out if such individual is present involuntarily simply by virtue of their present homeless status and the number of homeless individuals in the city is greater than the number of available shelter beds available to homeless individuals. For purposes of this subsection, an individual is not present involuntarily if such individual has access to adequate temporary shelter, either because they have the means to pay for it or it is realistically available to them for free.

**OR**

(5) For purposes of clarity, camping by individuals in parks within the city or owned by the city during closed hours is prohibited if such individuals otherwise have adequate available shelter, the means to pay for such shelter, or if there are available shelter beds.

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2019.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
xxxxxxx, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney