



MEMORANDUM

To: Dave Ramsay, City Manager

From: Marilynne Beard, Assistant City Manager
Gene Markle, Captain, Police Administration

Date: October 15, 2006

Subject: JAIL ISSUES UPDATE

The purpose of this memo is to provide an update on current jail issues and needs. It is divided into three sections:

- **Current Operational Issues** – This section focuses on Kirkland jail operations and staffing issues as they relate to jail monitoring and transport. It provides background for the Service Package Request related to additional corrections officers.
- **Short to Medium Term Jail Planning** – This section provides an update on contracted jail services including recent developments in the King County and Yakima County jail contracts and short-term contingency planning efforts on the City's part.
- **Long Term Jail Planning** – This section relates to long term jail capacity planning taking place at the regional level as well as considerations for the future of Kirkland's jail.

This memo draws from previous reports presented to Council and provides historical context of current issues. As discussed in earlier memos, a series of recent studies and issues arose that prompted a study of current jail operations and long term needs:

Current Staffing Levels – Current staffing levels in the Kirkland jail are below the level needed to provide 24 hour per day, 7 days per week coverage. Jail monitoring is provided by a combination of corrections officers, police officers and communications center staff. The use of communications staff to monitor jail activity through closed circuit TV results in a situation where staff whose primary duties are devoted to other areas in the department are required to provide basic coverage of a high-risk operation.

NORCOM – A consortium of eastside cities is studying the feasibility of forming a regional dispatch agency responsible for eastside fire and police communication services ("NORCOM"). The NORCOM study included a cost analysis that compared the current cost of providing dispatch services to the cost under the NORCOM model and calculated a "net bottom line" for each city. The net bottom line took into consideration the total cost differential, offsetting revenue losses or gains and "retained costs." For Kirkland, the retained costs

were composed of increments of command staff, support staff and overhead that would no longer be borne by Kirkland's communications center, but that would still be a cost allocable to the General Fund. In Kirkland's case, if the dispatch center were moved to NORCOM, retained costs also would include additional staff needed to cover non-dispatch functions, such as records and jail monitoring currently provided by the communications staff. The degree to which dispatch staff is being relied upon to cover jail and records functions became more apparent as the NORCOM model was developed. If the Kirkland dispatch center were to consolidate with NORCOM, additional staff would be needed to cover after-hours jail monitoring, customer traffic and some records functions.

Annexation – The City currently provides or contracts for a total of 10,220 bed days per year. The potential annexation will increase the number of people served by the Police Department and staff estimates that an additional 6,700 bed days per year would be needed to house detainees from arrests made in the annexation area. The annexation fiscal study did not assume that additional jail facilities would be constructed in Kirkland to meet the increased need, but assumed that the additional jail beds would be purchased from other agencies (e.g. King County and Yakima County) at a cost in excess of \$400,000. As an alternative, the City has considered construction of a Public Safety Building with the potential of including an expanded jail to meet current and annexation needs. In planning for future space, we will need to determine whether the new facility includes a jail. When the Public Safety Building study was conducted, the operating cost of the new facility was not studied since this analysis was outside of the scope of the original report. In order to begin to plan for future space needs (with or without annexation) we need to better understand the cost/benefit of operating a jail facility.

Regional Jail Issues – Regional planning efforts for long term misdemeanor jail capacity are ongoing but have yet to yield any coherent plans. The number of local jail beds available is limited and insufficient to house all of the cities' collective misdemeanor inmates. As a short term measure, King County cities entered into an agreement with Yakima County for additional jail capacity that includes a financial commitment for a minimum number of bed days. A variety of operational issues related to jail overcrowding and medical care have recently come to light and the cities have to consider alternate sources for jail capacity unless these issues are addressed.

To assist the City in analyzing current and future jail costs, the consulting firm of Community Resources Services (CRS) was engaged to conduct a review of the current jail operations as well as high-level cost/benefit analysis of expanding the Kirkland jail based on several scenarios. Part one of the consultant's report addresses current operations and staffing levels. Part two addresses financial and other issues needed to be considered if Kirkland were to expand its own jail.

Kirkland Jail Operations and Staffing Levels

The current jail facility has been in operation since the existing City Hall was constructed in 1984. Following is a summary of the City's current jail operations and budget:

Average Jail Beds Used per Day	28 (includes Kirkland jail and contracted beds)
Kirkland Jail Capacity	12-14 (12 beds, additional short term as needed)
Kirkland Jail and Transport Budget	\$1,055,190 (inc. \$472,717 for contracted beds)
FTE's	6.00 (\$413,244 wage and benefits) including Corrections Sergeant

The Corrections Division of the Police Department is responsible for the custody and transport of prisoners. Custody of prisoners includes booking, monitoring, care and feeding and release. Prisoners are booked and released from jail 24 hours per day, 7 days per week necessitating that a staff person be on the premises at all times. Transport includes moving prisoners from the Kirkland jail to other local facilities and delivering prisoners to and from court. Court transports occur daily during normal working hours. Transports from Kirkland to other facilities are needed when we take someone into custody that cannot be housed in the Kirkland jail (i.e. female prisoners, prisoners with immediate medical or psychiatric care needs and high risk prisoners). Although the communications center staff monitors prisoners through closed circuit TV, if a corrections officer is not available to perform booking, release, in-person monitoring or transport, these functions must be performed by an on-duty police officer.

Transport consumes a significant amount of corrections staff time. Daily transport to and from Court involves picking up prisoners being held at King County, Enumclaw, Issaquah and Kirkland, driving them to the courthouse, waiting for them to be processed and returning them to the appropriate jail facility. If there are more than three prisoners (as is frequently the case) the transport must be performed by two corrections officers. This process can take between two and six hours daily, depending on the location and number of prisoners. Staff estimates that as much as 35% of the total available corrections division staff time is devoted simply to transport.

As noted earlier, the NORCOM study prompted a report from the Police Department about jail staffing levels. It was clear from the report that jail staffing needs must be addressed regardless of NORCOM. The Police Department estimated that, in order to provide 24/7 coverage of the jail operation with at least one person on duty, a minimum of 5.0 FTE's would be needed.

The Police Department's analysis also concluded that the ideal staffing would increase current positions by 11.0 FTE's. This would provide for two on-duty corrections officers at all times allowing for one corrections officer to monitor the jail 24/7 and another for back-up. This staffing level also provides you transport services and jail monitoring to occur simultaneously. The Police Department prepared a series of staffing charts that depict current and proposed staffing patterns. The charts shown on the following pages demonstrate the periods of time when the jail is adequately covered. Green areas are those when two or more staff are on duty. Yellow areas are times when there is only one officer on duty and the red areas are times when there are no corrections officers on duty. The yellow periods turn red when a corrections officer is on sick leave, vacation, holiday, or otherwise not available. The red areas require jail monitoring and transport to be performed by Communications Center staff and patrol officers. Ideally, all shifts would be green. At a minimum, there should be no red areas on the charts.

- Chart #1 – Current Staffing with No Leaves** – The chart below depicts the current staffing levels and assumes that no staff are on vacation, sick or otherwise not available for their shift. The light green area indicates the periods when there is adequate staff to monitor the jail and provide transport services. The yellow area indicates when only one corrections officer is on duty. The red area indicates when there is no corrections officer on duty. During these periods, the jail is monitored by closed circuit TV by communications center staff and by on-duty police officers that come into the jail periodically to perform inmate checks.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2400-0100		1	1	1	1	1	
0100-0200		1	1	1	1	1	
0200-0300		1	1	1	1	1	
0300-0400		1	1	1	1	1	
0500-0600		1	1	1	1	1	
0600-0700	1	1	1	1	1		
0700-0800	2	1	1	1	2	1	1
0800-0900	3	2	2	2	3	1	1
0900-1000	4	3	3	3	3	1	1
1000-1100	4	3	3	3	3	1	1
1100-1200	4	3	3	3	3	1	1
1200-1300	4	3	3	3	3	1	1
1300-1400	4	3	3	3	3	1	1
1400-1500	3	3	3	3	3	2	1
1500-1600	3	3	3	3	3	2	1
1600-1700	2	2	2	2	2	2	1
1700-1800	1	2	2	2	1	1	
1800-1900	1	2	2	2	1	1	
1900-2000		1	1	1	1	1	
2000-2100		1	1	1	1	1	
2100-2200		1	1	1	1	1	
2200-2300		1	1	1	1	1	
2300-2400		1	1	1	1	1	

- Chart #2 – Current Staff with One Officer on Leave** – The following chart depicts jail coverage when one graveyard shift corrections officer is on leave or otherwise unavailable for their shift. The periods when there is no corrections officer available increases significantly.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2400-0100							
0100-0200							
0200-0300							
0300-0400							
0500-0600							
0600-0700	1	1	1	1	1		
0700-0800	2	1	1	1	2	1	1
0800-0900	3	2	2	2	3	1	1
0900-1000	4	3	3	3	3	1	1
1000-1100	4	3	3	3	3	1	1
1100-1200	4	3	3	3	3	1	1
1200-1300	4	3	3	3	3	1	1
1300-1400	4	3	3	3	3	1	1
1400-1500	3	3	3	3	3	2	1
1500-1600	3	3	3	3	3	2	1
1600-1700	2	2	2	2	2	2	1
1700-1800	1	2	2	2	1	1	
1800-1900	1	2	2	2	1	1	
1900-2000		1	1	1	1	1	
2000-2100		1	1	1	1	1	
2100-2200		1	1	1	1	1	
2200-2300							
2300-2400							

The Police Department has submitted a service package request for five new Corrections Officers. The following charts depict coverage if all five positions are approved.

- **Chart #3 – Five New Staff with No Leave** – This scenario depicts coverage if five corrections officers were added and there are no staff on leave. This scenario provides for coverage during all periods, however does not allow for any leaves.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2400-0100	2	2	2	2	3	2	2
0100-0200	2	2	2	2	3	2	2
0200-0300	2	2	2	2	3	2	2
0300-0400	2	2	2	2	3	2	2
0500-0600	2	2	2	2	3	2	2
0600-0700	2	2	2	2	3	2	2
0700-0800	4	4	4	4	3	3	2
0800-0900	4	4	4	4	3	3	2
0900-1000	4	4	4	4	3	3	2
1000-1100	4	4	4	4	3	3	2
1100-1200	4	4	4	4	3	3	2
1200-1300	4	4	4	4	3	3	2
1300-1400	4	4	4	4	3	3	2
1400-1500	4	4	4	4	3	3	2
1500-1600	3	3	3	3	3	2	2
1600-1700	3	3	3	3	3	2	2
1700-1800	2	2	2	2	3	2	2
1800-1900	2	2	2	2	3	2	2
1900-2000	2	2	2	2	3	2	2
2000-2100	2	2	2	2	3	2	2
2100-2200	2	2	2	2	3	2	2
2200-2300	2	2	2	2	3	2	2
2300-2400	2	2	2	2	3	2	2

- **Chart #4 – Five New Staff and One Person on Leave** – The scenario below depicts coverage when leave time is factored with five new additional staff. In this scenario, there is at least one corrections officer available, however, there is no back-up staff available to provide assistance or to do transports.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2400-0100	1	1	2	2	2	1	1
0100-0200	1	1	2	2	2	1	1
0200-0300	1	1	2	2	2	1	1
0300-0400	1	1	2	2	2	1	1
0500-0600	1	1	2	2	2	1	1
0600-0700	1	1	2	2	2	1	1
0700-0800	3	3	3	4	3	2	1
0800-0900	3	3	3	4	3	2	1
0900-1000	3	3	3	4	3	2	1
1000-1100	3	3	3	4	3	2	1
1100-1200	3	3	3	4	3	2	1
1200-1300	3	3	3	4	3	2	1
1300-1400	3	3	3	4	3	2	1
1400-1500	3	3	3	4	2	2	1
1500-1600	2	2	3	3	2	1	1
1600-1700	2	2	3	3	2	1	1
1700-1800	1	1	2	2	2	1	1
1800-1900	1	1	2	2	2	1	1
1900-2000	1	1	2	2	2	1	1
2000-2100	1	1	2	2	2	1	1
2100-2200	1	1	2	2	2	1	1
2200-2300	1	1	2	2	2	1	1
2300-2400	1	1	2	2	2	1	1

The same set of schedules were developed using an assumption of four new staff in order to understand the impacts of partial funding of the service package request.

- **Chart #5 – Four New Staff with No Leaves** – The scenario below shows current staff, plus four new staff and assumes nobody is on leave.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2400-0100	2	2	2	2	3	2	2
0100-0200	2	2	2	2	3	2	2
0200-0300	2	2	2	2	3	2	2
0300-0400	2	2	2	2	3	2	2
0500-0600	2	2	2	2	3	2	2
0600-0700	2	2	2	2	3	2	2
0700-0800	4	4	4	4	3	3	2
0800-0900	4	4	4	4	3	3	2
0900-1000	4	4	4	4	3	3	2
1000-1100	4	4	4	4	3	3	2
1100-1200	4	4	4	4	3	3	2
1200-1300	4	4	4	4	3	3	2
1300-1400	4	4	4	4	3	3	2
1400-1500	4	4	4	4	3	3	2
1500-1600	2	2	3	3	2	1	1
1600-1700	2	2	3	3	2	1	1
1700-1800	1	1	2	2	2	1	1
1800-1900	1	1	2	2	2	1	1
1900-2000	1	1	2	2	2	1	1
2000-2100	1	1	2	2	2	1	1
2100-2200	1	1	2	2	2	1	1
2200-2300	1	1	2	2	2	1	1
2300-2400	2	2	2	2	3	2	2

- **Chart #6 – Four New Staff with One Person on Leave** – The following schedule shows the effect of four additional staff with one person on leave. Periods where there are no corrections officers on duty begin to reappear and necessitate the use of on-duty police officers to provide jail monitoring and transport services.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
2400-0100	2	2	2	2	3	2	2
0100-0200	2	2	2	2	3	2	2
0200-0300	2	2	2	2	3	2	2
0300-0400	2	2	2	2	3	2	2
0500-0600	2	2	2	2	3	2	2
0600-0700	2	2	2	2	3	2	2
0700-0800	4	4	4	4	3	3	2
0800-0900	4	4	4	4	3	3	2
0900-1000	4	4	4	4	3	3	2
1000-1100	4	4	4	4	3	3	2
1100-1200	4	4	4	4	3	3	2
1200-1300	4	4	4	4	3	3	2
1300-1400	4	4	4	4	3	3	2
1400-1500	4	4	4	4	3	3	2
1500-1600	2	2	2	2	1	0	0
1600-1700	2	2	2	2	1	0	0
1700-1800	1	1	1	1	1	0	0
1800-1900	1	1	1	1	1	0	0
1900-2000	1	1	1	1	1	0	0
2000-2100	1	1	1	1	1	0	0
2100-2200	1	1	1	1	1	0	0
2200-2300	1	1	1	1	1	0	0
2300-2400	2	2	2	2	3	2	2

It should be noted that all of these scenarios assume the Sergeant is performing corrections officer duties in addition to his administrative duties.

Again, the alternative to having a Corrections Officer on duty is to use on-duty police officers who would otherwise be on patrol to perform jail monitoring and transports. This is the current practice with the obvious downside of diminishing the number of officers in the field.

The City's consultant, CRS, conducted an independent study of the Kirkland jail and made a number of observations and recommendations with regard to current staffing and operational practices. Although the consultant's report was not finalized for this memo, excerpts from the draft are included to summarize the findings. In addition to noting deficiencies in the design of the jail and booking facility, the following operational and staffing observations were made:

Operations

The Kirkland Police Department attempts to operate the jail in a professional manner. To the extent that staff resources are provided, the Department is successful. But when jail staffing is not sufficient, operations fall below minimum requirements established by the courts and various standards. An initial review of the organization and administration of the jail reveals the existence of necessary policies, procedures and training. The five jail officers appear competent, qualified and effective. By creating a separate employee classification for jail officers, the City correctly recognized that the knowledge, skills and abilities required for jail operations are not the same as those required for police or administrative duties. In addition to the five jail officer positions in the budget, a sixth position (Sergeant) is provided for jail administration. Current jail operations have a strong foundation, but safety and effectiveness are severely diminished by the level of staff resources that the City allocates to the jail.

Staffing

The Jail Division of the police department is staffed by five full-time jail officers and one full-time sergeant who functions as a jail administrator. The sergeant works four, 10-hour days (Monday through Thursday.) The officers are assigned to the following shifts:

Current Jail Officer Schedules

Officer 1: Monday–Friday, 0600–1400

Officer 2: Monday–Friday, 0800–1600

Officer 3: Friday–Monday, 0700–1700

Officer 4: Tuesday–Saturday, 2200–0600

Officer 5: Tuesday–Saturday, 1400–2200

The schedule provides heavier coverage during weekdays, when court and transport tasks are most demanding. The absence of jail officers is multiplied because jail officers are not relieved when they are absent. Therefore, when officers do not report for their scheduled shifts due to sickness, vacation, training, and other activities for which they are paid, their post is vacant. Because a jail officer is not replaced by another officer when he/she is not available to work an assigned shift, these absences reduce the actual deployment of jail staff by approximately twenty percent– in other words, a staff member does not report for one out of every five scheduled shifts. In most jails, essential staff posts are always relieved to ensure that continuous coverage is provided.

When there are no jail officers on duty, police officers are expected to come to the jail at least every two hours to make inmate checks, and sometimes make the checks more frequently. Police officers are also required to book inmates during the times that jail officers are not present. Because police officers book inmates infrequently, it takes a police officer longer to admit an inmate than it takes a jail officer.

The current schedule provides as many as four staff during some of the business hours on Monday through Friday, but also leaves many hours of the week uncovered by any jail officers approximately 20 percent of the time. The majority of the weekly hours are covered by only one officer.

The present level of jail staffing is further diminished when the extra-jail activities, such as court transport, supervision of inmates in court, transports to and from other jails at which Kirkland inmates are held, trips to take inmates to medical care providers, and warrant meetings are considered. The extent to which jail officers are called away from the facility was not recorded until September 2006.

We have analyzed data collected by jail officers beginning in late August 2006. Officers recorded every instance in which they were away from the jail during their scheduled shifts. During the 47-day period for which officers recorded their activities, 366 hours were logged away from the jail. This included:

- 158 hours transporting inmates to court and supervising them in court
- 156 hours transporting inmates to and from other jails
- 10 hours taking inmates to receive medical care
- 42 hours for other activities

Figure 1 describes the average number of hours that jail officers were involved with specific activities according to the day of the week.

Figure 1: Jail Officer Activities Away from the Jail, 8/28 - 10/14/2006

Day of the Week	Total Average Hours Away From Jail	Subtotal Average Hours for Court	Subtotal Average Hours for Jail Transports
Monday	16.5	10.9	4.7
Tuesday	14.0	6.3	6.8
Wednesday	8.5	3.2	4.5
Thursday	14.6	6.6	6.4
Friday	12.3	5.3	3.1
Saturday	3.1	0	1.4
Sunday	3.5	0	3.0

Jail staffing is already very low, as depicted in Figure 1. The activities that take jail officers away from the jail, as shown in Figure 2, create even more times during which there are no jail officers

at the facility. Coupled with the policy of not relieving jail officers when they are away for vacations, sick days, and other reasons, jail officer coverage is even lower.

The consultant described national and state standards for jail monitoring with the minimum level of on-site checks at one per hour. On-site checks must be made by either a Corrections Officer or a Police Officer who are trained to respond to incidents of disruptive or destructive behaviors.

The Kirkland Municipal Code adopts the “Custodial Standards for Holding Facilities” from the Washington Association of Cities (WAC) and the Washington Association of Sheriffs and Police Chiefs (WASPC). Although these standards do not identify the additional requirements associated with holding inmates for more than 72 hours, they provide an adequate starting point for this analysis.

The WAC/WASPC standards require, in part:

- *At least one staff member to be awake, alert and directly responsible for jail supervision and surveillance at all times that an inmate is housed.*
- *Continual sight and/or sound surveillance of all prisoners.*
- *Ability of staff to respond to any inmate within three minutes.*
- *Personal observation of each inmate by a staff member at least every 60 minutes, and more frequently as indicated by unusual inmate behavior or concerns for inmate security and health.*

These standards also identify the need to have sufficient staff to respond to any emergency in the facility in no more than three minutes, and describe gender considerations that must be addressed through the deployment of staff.

Based on these minimum standards, we suggest that the following three conditions must be met at all times:

1. *Observation and Supervision. A qualified person, authorized to use force if needed, must be present in the jail facility at all times.*
2. *Timely Backup. A qualified person, authorized to use force, must be available to provide assistance within three minutes, at all times.*
3. *Inmate Health and Welfare Checks. Every inmate must be personally observed by a qualified person, at least every 60 minutes, and more frequently when safety, security or health concerns have been identified for an inmate.*

Based on current staffing levels, these standards are not consistently met. Further, the consultant found that patrol officers were not meeting the 60 minute on-site checks, but were using a two-hour standard and that the location and quality of the closed circuit TV in the communications center resulted in sporadic visual monitoring. In discussions between the Police Department staff and the consultant, a number of short term and longer term measures were recommended to improve jail monitoring that are being put into action at this time

Range of Options

Several types of solutions offer a potential response to current jail deficiencies. These include:

- *Changing current policies and procedures*
- *Expanding the use of technology and/or improving the current use of technology*
- *Altering the facility*
- *Changing the utilization of current staff (jail officers, police officers, communications personnel, and other non-sworn personnel)*
- *Increasing staffing levels for jail officers*

Costs. *The cost-implications of each type of solution vary. Some of the options involve little or no cost. Some would not incur additional cost but would change the use of existing assets (such as reassigning police officers to bolster jail coverage.) The use of technology and altering the facility involve costs that are primarily one-time expenditures. Increasing staff incurs recurring costs.*

Effectiveness. *The sufficiency and effectiveness of each type of solution also varies. For example, using police staff to provide more services to the jail is less effective than assigning jail staff who are trained for such duties and who implement them more efficiently and consistently. The use of technology often fails to fully address deficiencies. For example, improving the visual and audio monitoring of the jail by communications staff may help to identify problems, but does not improve the ability to respond.*

Time. *Some options may respond more quickly to address deficiencies. For example, changes in policies and the reallocation of existing staff resources may be accomplished quickly. Adding new staff positions requires budget allocations, and substantial time to recruit, screen, select and train new employees. Any significant alteration to the facility also requires substantial time to secure funding, develop a design and specifications, retain a contractor and make the changes.*

Make a Plan and Move Forward

It is imperative for the City to adopt a plan that begins to address deficiencies immediately, and a plan that expeditiously moves toward more complete solutions. Although there are several possible responses to the deficiencies, we offer the following options that we believe are feasible and potentially appropriate. We present the options that we believe are most effective first, following by actions that move in the right direction but with less effect.

A. Observation and Supervision. Qualified person present in the jail facility at all times.

1. *Increase jail officer staffing to provide 24-hour presence of one officer in the jail.*
2. *Assign police officers to work in the jail whenever jail officers are not present.*
3. *Improve existing audio/visual monitoring of the jail by communications staff (change policies and improve placement of existing equipment).*
4. *Explore jail renovations that would improve safety, security and observation.*

B. Timely Backup. Qualified person available to provide assistance within three minutes at all times.

1. *Increase jail officer staffing to provide a second jail officer at all times.*
2. *Create post in the law enforcement facility to be staffed by a law enforcement officer whenever a second jail officer is not present in the jail.*
3. *Create an “on call” function within the police facility to identify a sworn official who is on-call to respond to the jail as needed.*
4. *Designate a patrol officer to be immediately “on call” to respond to the jail whenever a second jail officer is not present in the jail.*
5. *Improve the ability of jail officers to signal duress using technology, such as “staff down” alarms.*

C. Inmate Health and Welfare Checks. Personally observe each inmate at least every 60 minutes, and more frequently when safety, security or health concerns have been identified for an inmate.

1. *This would be fully addressed if option A1 is implemented.*
2. *Change policy to require at least hourly checks of jail by police officers whenever a jail officer is not present in the jail.*

D. Provide Staff to Implement Transport, Court and Other Tasks Away from the Jail. If the preceding conditions are to be achieved, the City must make arrangements to implement the many tasks that currently take jail officers away from their duties in the jail.

1. *Further increase staffing levels for jail officers, to levels that address tasks that occur away from the jail. Jail officers are the most appropriate types of employees to implement tasks that require supervision of inmates.*
2. *Use existing police officers to implement tasks that occur away from the jail.*
3. *Use non-sworn personnel to implement tasks that do not involve supervision of inmates (e.g. picking up prescriptions, vehicle maintenance)*
4. *Work with the courts and other entities to improve the scheduling efficiency of court activities.*
5. *Work with other cities to increase the efficiency of transports between jails.*

The staffing implications associated with adding jail officers have been examined using available data and information. The need for transport and court escort personnel is necessarily tentative because we have only one month of data with which to work. Figure 2 shows the net increase in jail officer staffing levels if this approach were eventually used to address all of the deficiencies.

Figure 2: Jail Officer Staffing Levels

Deficiency	Staffing Implications (Jail Officers)	Full Time Equivalent (FTE) Needs
<i>A. Observation and Supervision</i>	<i>A combination of full-time staff positions and overtime (or part-time) hours would need to provide for 8,760 hours of coverage per year (24/hours per day, 365 days)</i>	<i>5.5 FTE</i>
<i>B. Timely Backup</i>	<i>A combination of full-time staff positions and overtime (or part-time) hours would need to provide for another 8,760 hours of coverage per year (24/hours per day, 365 days)</i>	<i>5.5 FTE</i>
<i>C. Inmate Cell Checks</i>	<i>Included in A above.</i>	<i>0 FTE</i>
<i>D. Transport, Court and Similar Tasks</i>	<i>Using an estimate of 11 hours per day, 4,015 hours of staffing would be required annually.</i>	<i>2.5 FTE</i>
	Subtotal.....	<i>13.5 FTE</i>
	<i>Existing jail officer positions</i>	<i>(5.0 FTE)</i>
	Net Increase	<i>8.5 FTE jail officers</i>

The analysis from CRS confirms the need for new staff, although the total number may be lower than the total identified by Police. Police staff have indicated that a minimum of five new corrections officers would be needed to schedule at least one person for every shift. Ideally, a total of 11.0 FTE would be added to provide back-up. The difference between the Police Department’s and consultant’s recommendation (11.0 FTE versus 8.5 FTE) is in the proposed use of overtime. Since we have yet to reconcile the two proposals, it is premature to identify a final staffing figure. At this time, the department is requesting 5.0 FTE which is well below either total. Opportunities for cross-coverage of records functions and a more definite idea about the NORCOM feasibility and timing need to be known before final staffing needs can be accurately assessed.

Recommendation: Given the limited ongoing resources available, the City Manager is recommending that 4.0 FTE of the 5.0 FTE requested be funded at this time. This is the minimum staffing addition that should be considered. Additional staff will need to be considered when more is known about annexation and NORCOM.

Short and Medium Term Jail Planning

The City of Kirkland uses an average of 28 jail beds per day. The City has contracted for beds over and above the number we can meet with our own jail and for special populations. Historically, cities contracted with King County for misdemeanor jail services. In 1997, Kirkland also entered into an agreement with the City of Enumclaw for longer term holds since their daily rate was well below King County’s. In 2001, King County

notified contracting cities that the jail would soon be at capacity and that they would no longer be able to accommodate cities' misdemeanor detainees.

King County cities are now complying with a planned phase-out from the King County Jail facility as agreed to in an interlocal agreement signed in 2002. The planned phase-out requires that contracting cities find alternate jail facilities to house misdemeanor detainees by 2010. Some of Kirkland's prisoners are still housed in the King County Jail under the reduced number of bed days still available. Two advisory groups were formed at the same time to plan for long term misdemeanor jail facilities (Jail Advisory Group or "JAG") and to coordinate operational issues surrounding contracted jail operations (Jail Operations Group or "JOG").

One of the immediate solutions to the King County phase-out was a contract with Yakima County. Prisoners from King County are being housed in a Yakima County facility and transported between Kirkland and Yakima by Yakima County staff on a routine basis. The daily charge for Yakima jail beds is considerably lower than that charged by King County. However, a number of issues have arisen since the Yakima County agreement was made.

The interlocal agreement between Yakima County and cities in King County established the scope of services and the daily rate (with provisions for annual adjustments). At the time, there was an understanding that Yakima County would construct a new jail facility that would assure adequate space for contracting cities since the interlocal agreement provided for a commitment to purchase a minimum number of bed-days from Yakima. The interlocal agreement with Yakima provided for a minimum of 440 beds per day which were allocated among the contracting cities based on the projected needs at the time the agreement was developed. Kirkland's minimum bed day commitment is 12 which corresponds to the number of inmates that we believed could not be accommodated in the Kirkland jail or other local contracted facilities. Cities are required to pay for the minimum bed day commitment, regardless of whether the beds are used or not. The minimum bed commitment assured that Yakima would be compensated for new staff hired to monitor the larger inmate population. Implicit within the agreement was that Yakima would construct a new jail facility (Yakima Justice Center) to house the new inmate population and the contract revenue from the cities would be used to service the debt issued for construction.

Construction of the new facility was completed and a "shake down" period commenced whereby operations were tested to assure that the facility was working properly and adequately secured. In the meantime, most of the inmate population remained in the old Yakima County facility. In 2005, a series of incidents involving inmate violence and injuries were attributed to jail overcrowding and Yakima County was directed to address the overcrowding issues. Subsequently, some of the inmates were moved to the new facility (during the shakedown period) and the overcrowding and related issues abated.

In 2006, Yakima County notified the contracting cities that they would postpone opening the new jail facility indefinitely and keep all inmates in the old facility. The contracting cities responded by alleging that, by doing so, Yakima County was in breach of contract as the construction of the new facility was part and parcel of the original interlocal agreement. Yakima County cited financial constraints as their overriding consideration. Overcrowding again became an issue along with numerous complaints of inadequate medical services.

Since that time, the Jail Advisory Committee (the "JAG") has actively monitored the Yakima County situation. Two studies were completed in spring 2006 which document the Yakima jail issues and provide recommendations for steps needed to remedy the problems. Yakima County also voluntarily commissioned a study which revealed further jail management issues.

Most recently, the City of Seattle filed a claim for damages against Yakima County for overpayment of jail charges based on Yakima's service delivery issues. Seattle invited other cities to join in the claim for damages and at this time, 17 have joined in the filing including Kirkland.

On August 22, 2006, the City of Renton officially notified Yakima County that it was withdrawing from the interlocal agreement with Yakima County and that it believed that Yakima was in breach of contract for failing to open the new jail facility and for unacceptable jail conditions (it should be noted that under the interlocal agreement, a 12-month notice is required to terminate Section 4 (c), p. 4).

The JAG has urged all of the contracting cities to continue their participation in the Yakima contract and to pursue concerns about Yakima's contract performance through the JAG. Their rationale is based on the premise that the King County cities will be more effective in addressing the Yakima concerns as one united group. Further, if smaller entities or those with their own facilities withdraw from Yakima and refuse to pay their minimum bed day commitment, Yakima's ability to provide adequate jail services to remaining cities will be further eroded. In addition, since there are not enough beds in the collective King County jail facilities to house all of the cities' misdemeanants, it is not realistic for all cities to withdraw their inmates from Yakima. There is a documented shortage of between 150 to 200 beds in King County for misdemeanor detainees.

Communication between the cities and Yakima has continued amid the complaints and damage claims. Most recently, Yakima County contracted with a new medical provider and announced that it may in fact open its new jail facility in 2007 pending budget approval. At the same time, King County's jail population has been lower than first anticipated and they have indicated that they can make more beds available than was first projected under the interlocal agreement signed in 2002. Under the cities' interlocal agreement with the County, no one city can negotiate an arrangement for jail services with King County without making the same provisions available to all of the contracting cities. Therefore, the additional beds identified by King County were apportioned among all of the contracting cities. If the total cities' jail population stays below the total maximum, then an individual city can go over its own maximum. However, if the King County jail reaches capacity, those cities over their individual limits will need to make other accommodations for their detainees.

Although all of the cities (except Renton) still have prisoners in Yakima, we have proposed to have another independent inspection of the Yakima County facility to determine if conditions have improved. The JAG has forwarded this recommendation to their Executive Committee for approval. Assuming it is approved, it is hoped that this inspection can take place by the end of November. Kirkland has also suggested that the cities engage in collaborative talks with Yakima County to potentially settle this dispute and reach an agreement for continued services (assuming that Yakima can demonstrate that they have improved conditions at the jail). As a precautionary measure, Kirkland has entered into four new interlocal agreements for jail beds on an "as available" basis should the City Council determine that it is in our best interests to discontinue use of the Yakima County facility. (**Note:** A matrix summarizing the provisions of the interlocal agreements is included as Attachment A.)

Recommendation: Kirkland should continue to honor the Yakima County contract pending an independent inspection of the facility. Kirkland will work to organize a mediation effort between the contracting cities and with Yakima County.

Long Term Jail Planning

At the time that King County advised cities that they would need to phase out of their facilities and the Yakima County agreement was signed, it was understood that long term jail capacity would need to be identified in King County. One component of the King County agreement was the transfer of a King County property located in Bellevue to the cities for a future misdemeanor jail facility (or to be sold and used to help finance a new facility to be located elsewhere). The JAG engaged the consulting group of Ricci Greene Associates to conduct a long term jail capacity needs assessment and to develop options for meeting those needs.

The Ricci Greene report has not yet been finalized, however, they have developed an assessment of jail capacity needs, potential options and a series of policy questions that need to be addressed by the cities to cooperatively meet the current and future jail capacity needs. This draft report also includes an inventory and description of current facilities in the county and an inventory of jail alternative programs and recommendations for improvements. The report also addresses transport practices and future options. The Ricci Greene report is expected to be completed by November and will be provided at that time.

One of the options identified in the draft report is the construction of a series of smaller jail facilities operated by cities throughout the county. Kirkland could potentially be a local misdemeanor facility. Assuming the current facility remains at or close to its current size, Kirkland could potentially be a facility for short term holds and those awaiting trial with sentenced offenders held in larger facilities that are equipped to house inmates for up to one year (the maximum sentence for misdemeanor offenses).

Alternatively, Kirkland could build sufficient new capacity to meet its current and future needs and, potentially, to be a regional jail facility as part of a county-wide system. In order to determine whether this is a cost effective solution for Kirkland, we have asked CSR to do a cost/benefit analysis of Kirkland jail operating costs under four different scenarios.

Option 1: Holding Cells Only – This option assumes that Kirkland is no longer “in the jail business” and only has temporary holding cells for detainees that will be moved to a contracted facility (e.g. King County, other municipal jail, Yakima County).

Option 2: Jail Capacity to Meet Current City Needs – This option assumes that we continue to operate a facility that meets the City’s current jail population needs (i.e. without annexation). This option could include sufficient capacity and services to accommodate most of our inmate population needs (including females) and/or assume continued contracting for special populations or overflow.

Option 3: Jail Capacity to Meet City Needs with Annexation – This option would be similar to option 2, however it would include the anticipated increase in misdemeanor detainees that would result from the potential annexation.

Option 4: Jail Capacity to Meet City Needs with Annexation and Growth (with interim plans to sell excess capacity) – This option would assume construction of a new facility and estimate new operating costs with offsetting revenue from the sale of beds. This study would also determine the charges per bed day needed to recoup the City’s costs from other agencies that buy beds from Kirkland. This option would provide the basis for a business plan for jail operations.

The financial analysis will state costs in terms of a “cost per bed day” to provide for “apples to apples” comparison of the cost effectiveness of each option. The consultant will also develop a scalable model for option 4 so that we could determine the relationship between the size of a jail facility and the point at which economies of scale are such that operating our own jail is cost effective. None of these options will reconcile the regional issues surrounding jails, but will inform the City Council as to the implications of operating a jail as either a solution to meet our own needs or as part of a larger regional solution.

There are definite benefits associated with operating our own jail. Aside from the convenience of not having to transport prisoners to other facilities, holding our own prisoners allows easier access during the early stages of a crime investigation. Further, given the uncertain nature of regional jail issues, there is more certainty in having capacity to meet our own needs. We also have the advantage (to some extent) to limit future exposure from cost increases that are not entirely within our control. Lack of control over cost increases is inherent with contracted services and is one of the reasons that cities sought alternatives to King County. On the flip side, having to contract all jail services will increase transport costs and so the cost savings realized from closing our jail may be offset by increased transport costs. However, if the total cost per bed day, including transport, is significantly more than any contracted arrangement, the City may need to consider discontinuing jail operations in the future.

The cost effectiveness of jails is partially based on design. Jails that are retrofitted into existing buildings (such as an office building) may not be as efficient to operate, requiring more staff. Jails that are constructed “from the ground up” and/or as part of a larger facility can be designed in a fashion to accommodate more inmates with fewer staff and greater security. Part two of the consultant’s report will help inform the City about cost-effective options for the future.

Recommendation: At this time, recommendations regarding long term jail facilities cannot be provided pending the final report from Ricci Greene Associates and CSR. We expect both of those reports to be available by the end of November.

Summary

All King County cities are faced with similar challenges with regard to long term jail capacity. Each city is unique in its requirements and its options. Kirkland, unlike many cities, has a jail facility to meet a limited amount of its own needs. However, we are soon approaching several turning points that will require us to begin implementing longer-range plans for jail services:

- Jail staffing is currently well below the level that is considered safe and acceptable. Additional staff is needed immediately and more staff will be needed in the future if we are to continue operating our own jail facility.
- If NORCOM goes forward, the after-hours monitoring provided by our communications center will not be available and, unless we add additional jail staff, there are potentially periods when there are no staff in the City Hall jail facility, necessitating the use of on-duty police officers.
- If the City Council decides to proceed with further phases of annexation, we should begin to plan for expanded facility needs including a public safety building. In order to properly assess the cost of constructing and operating a new facility, we will need to know whether an expanded jail is a cost effective component. A jail will impact both the cost of construction, the size of the facility and future

staffing.

- Regional jail planning is actively being pursued and recent issues surrounding the Yakima County facility remind us of the urgency with which we need to plan given the limited number of practical alternatives available to us.

Jail capacity will continue to be a current topic for discussion until a long-term solution can be identified and implemented. The political and legal landscape is changing almost daily. We will keep Council apprised of current events related to jail planning as they occur.

Attachment A

Outside Contract Jail Matrix

Jail	Daily Cost	Booking Fee	Transport	Medical Paid	Visitation	Video Visitation	Contract Expires
Yakima County Jail	\$61.99	None	Yes	No	Yes	Yes	12/31/2010
King County Jail	\$97.59	\$186.42	No	Yes	Yes	No	12/31/2012
Issaquah City Jail	\$65.00	None	No	No	Yes	No	non-expiring
Enumclaw City Jail	\$50.00	None	No	No	Yes	No	non-expiring
Renton City Jail	\$70.00	None	No	No	Yes	No	12/31/2007
Marysville City Jail	\$55.00	\$32.00	No	No	Yes	No	12/31/2009
Chelan City Jail	\$56.00	None	Yes	No	Yes	No	12/31/2007
Okanogan County Jail	\$42.00	None	Yes	No	Yes	No	12/31/2011

\$6.08 per day/per inmate is paid into Kirkland Inmate Medical Fund

Marysville Contract has additional options that would allow us to extend contract through 2/31/2018

Enumclaw Contract automatically renews every year with a 90-day termination clause

Issaquah Contract automatically renews every year with a 90-day termination clause