



CITY OF KIRKLAND
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Cherie Harris, Chief of Police
Melissa Petrichor, Civilian Administrative Commander
Shawn Stredwick, Jail Manager

Date: October 12, 2020

Subject: KIRKLAND JAIL COST UPDATE

RECOMMENDATION:

City Council receives an update on contract jail expenditures.

BACKGROUND DISCUSSION:

In preparation for the 2021-2022 budget, the Department identified areas of expenditure growth in the jail to include medical and outside contract jail costs. The contract jail costs continue to be of concern and the most difficult to manage for a variety of reasons that the Department will endeavor to explain in this memo.

The construction of the Kirkland Justice Center included a misdemeanor jail with 64 jail beds. The Kirkland Jail became fully functional in September 2014 and recently underwent a remodel of two unused "detox" cells that now allows for the use of 72 beds.

In the fall of 2016, the Police Department submitted an issue paper comparing actual jail expenditures versus estimates that were developed before the jail opened. The issue paper concluded that expenditures matched expectations in most areas except for outside contract jail costs, which exceeded expectations by a significant margin.

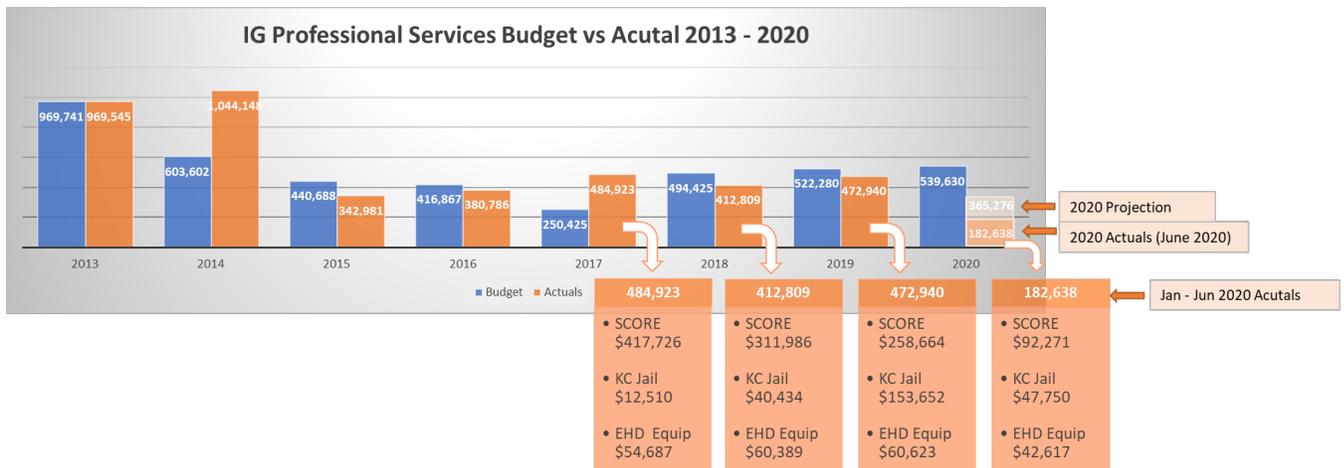
At the beginning of 2017, the Police Department began collecting data to identify why contract jail expenditures exceeded expectations. At the time of the 2016 update, the Department had just nine months of data available. In September 2018, with eighteen months of data available, the Department submitted an issue paper that described the challenges of housing subjects who have medical/mental health issues or are experiencing detoxification and are typically transferred to the South County Correctional Entity (SCORE), a facility with advanced services for inmates experiencing these types of issues.

Based on the analysis in this issue paper, the cost of contract beds in other facilities was predicted to be consistent through 2019-2020.

The Department now has 42 months of actual data from which to formulate better conclusions. This memo will provide an updated analysis based on the additional data available and changes that were made to the medical services provided within the jail that the Department believes will reduce the cost of contract beds. Overshadowing all of these changes is the COVID-19 Pandemic, which brought about significant changes in the number of arrests and bookings into all correctional facilities, closed the Kirkland Municipal Court and significantly reduced jail operations in the Department.

Contract Jail Expenditure Analysis

The graph below shows contract jail expenditures since 2013 and includes Electronic Home Detention (EHD) equipment. The Kirkland Jail became fully functional in September 2014, and the graph below shows a sizeable reduction in contract jail expenditures as a result. The graph also includes actual expenses for January – June 2020 with a projected cost estimate for all of 2020.

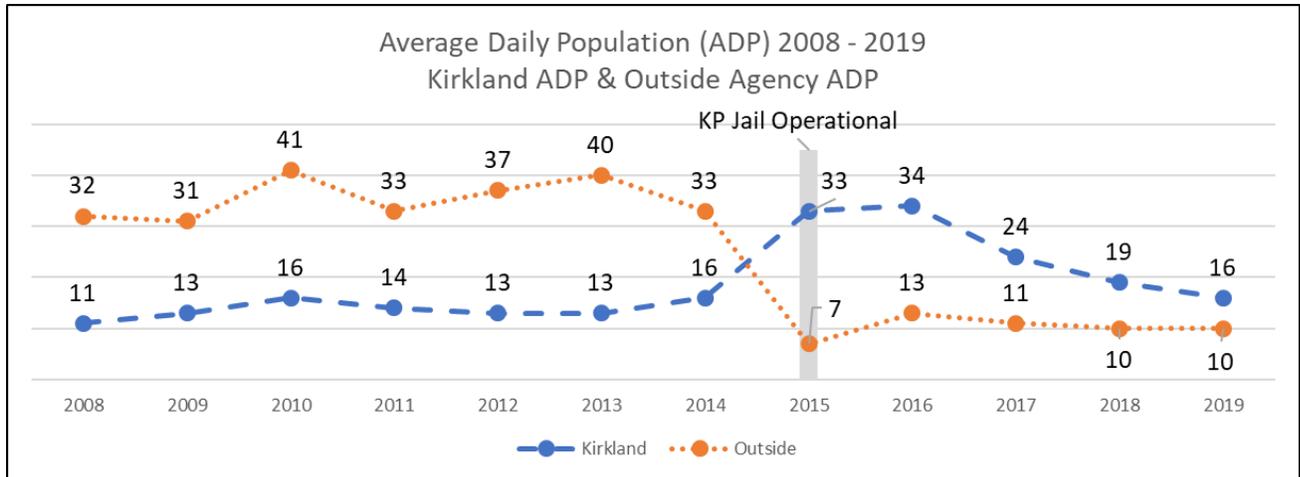


The dramatic reduction in contract jail expenditures for 2020 is directly related to COVID-19. In early 2020, just before COVID-19, the rarely used detox cells were remodeled into new housing space for inmates. The remodel created eight additional beds and gave greater housing flexibility. However, due to COVID-19, there is no statistical information on the impact these extra cells have had on the contract jail costs. However, during COVID-19, these additional units proved to be invaluable to quarantine inmates that showed cold or flu symptoms.

Other historical factors for the use of outside contract jail beds continue, such as the need for proper segregation by gender and type of offense, the Kirkland Corrections Staff can only house as many inmates as the "classification system" allows. For example, since female inmates must be housed away from male inmates, if there is only one female inmate, they may be occupying a six or eight-bed cell with the remaining beds in that cell vacant. Gender classification is another reason the two detoxifications cells were converted into individual housing units.

Jail Average Daily Population (ADP) Analysis

The following graph illustrates the ADP for both the Kirkland jail and the use of outside contract jail beds. Kirkland's overall Average Daily Population (ADP) has decreased and the Outside Agency ADP has stabilized.



Contracted beds are used for housing inmates that are not appropriate for the current facility, including inmates with medical, psychological, or behavioral issues.

Several other factors have been identified as attributing to the decrease in Kirkland Jail ADP since 2016. A change to the Driving While License Suspended 3rd (DWLS 3) law in 2016 accounted for a significant portion of the decrease; however, in 2019, several mitigation strategies were identified to increase and stabilize the Kirkland Jail ADP. These strategies included:

Woodinville Contract

A new contract was signed in November 2019, with the City of Woodinville made it possible for Woodinville PD, a neighboring agency that also contracts with the Kirkland Municipal Court, to house inmates in the Kirkland jail. The contract includes a minimum of one bed per day reserved for Woodinville, creating revenue of at least \$46,000 per year and an increase in ADP.

New Medical Provider Contract

In January 2020, the Kirkland Jail contracted with a new medical provider that was able to deliver additional daily coverage and provide a broader spectrum of inmate health services than the previous provider. These additional services include flu testing and inoculation, DUI blood draws, and additional medical screening. This new contract has allowed inmates with certain medical conditions to be housed at the Kirkland Jail rather than being transferred to SCORE or King County.

Opioid Use Disorder (MAT) Medication Program

After signing a contract with the new medical provider, the Department expressed interest in implementing a Medication-Assisted Treatment (MAT) program. A MAT program is the administration of specific medications by certified medical staff to treat individuals with Opioid Use Disorder (OUD) or Opioid addiction. MAT programs are currently viewed as one of the most effective treatments for OUD by medical professionals. After negotiations with the medical

provider, the Supervising Physician became certified to prescribe suboxone to inmates. This addressed two areas of need. First, recent litigation in Washington State suggested that all jails should provide a MAT program for inmates. Second, the Department had previously transferred inmates who were already prescribed MAT medications to SCORE or King County. This new program will potentially reduce contract jail expenses and increases the likelihood that those experiencing opioid addiction will continue with their current treatment program.

Amendments to housing contracts (Clyde Hill, Medina, and Woodinville)

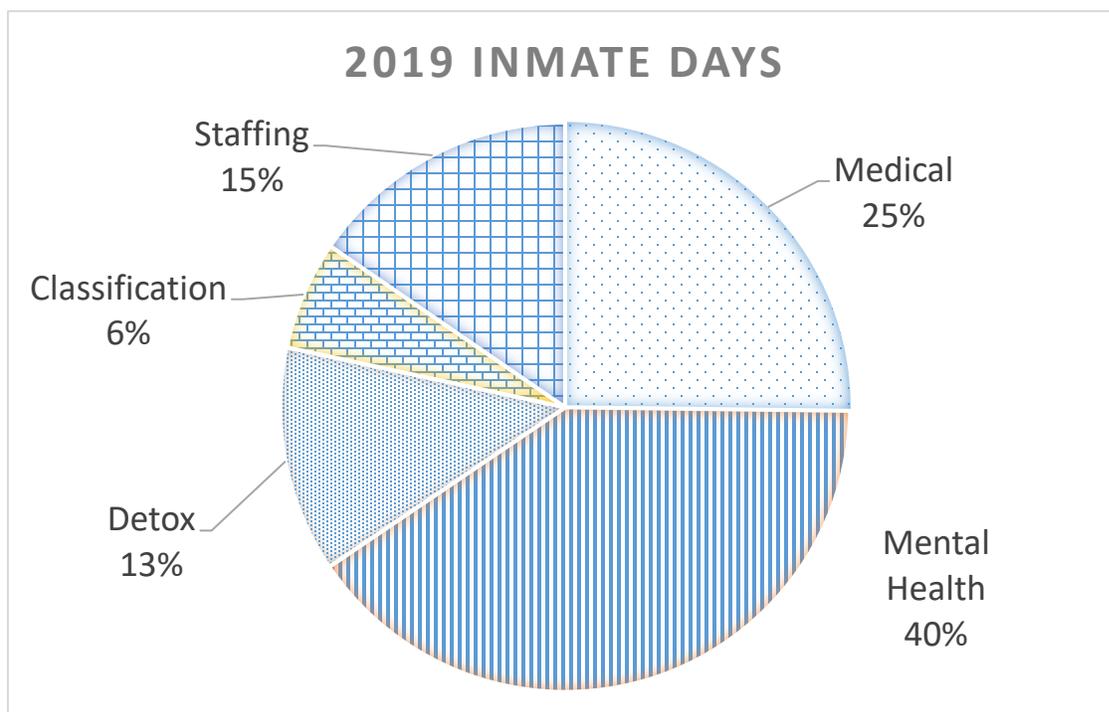
The Department amended the housing contracts with existing contract cities to provide additional services and expand the inmates that could be housed. The amendment offers blood draws, court transports, and housing for female inmates, which increases the possibility of revenue coming from the contracts and an increase in ADP.

SCORE Inmate Housing Analysis

There are approximately five conditions that drive the need for contracted beds. Inmates not appropriate for the current facility include inmates with significant medical, psychological, or behavioral issues or when inmate classification or staffing levels require external jail beds. The South Correctional Entity (SCORE) is the primary provider of contract beds for Kirkland. The cost of a single bed at SCORE is \$124.00 per day in 2020 and will increase to \$128.00 per day in 2021. SCORE will also implement a booking fee of \$35.00 beginning in 2022.

In addition to basic care and custody, SCORE charges additional fees for any medical or psychological procedures or specialty housing that are required while in their care or provided by an outside provider.

The pie chart below depicts the percentage of bed-days Kirkland inmates spent at SCORE in 2019 broken down by these five conditions:



The following is a description of each category and, where applicable, steps the Department has taken to mitigate expenditures.

The average length of stay varies based on the reason the inmate was transferred to SCORE, with relatively longer lengths of stay for those with significant medical or psychological problems.

Medical – 25% of Inmate Days

The Kirkland Jail contracts for eight hours, six days per week of medical care for low acuity medical conditions. Inmates transferred to SCORE for medical reasons require care beyond what the Kirkland Jail can offer. This includes medical care needed 24 hours per day. There are occasions in which an inmate's medical issues are so severe that SCORE is unable to provide enough care. In these instances, the inmate must be transported to a hospital or to the King County Jail, which is more expensive than SCORE.

The Department's ability to mitigate medical transfers to SCORE by changing to a full-service medical facility would be cost-prohibitive. However, the Department believes that the new medical provider will be key to reducing some of the costs associated with this category based on their increase in services and after-hours consultation that allows inmates to stay in Kirkland until the assigned nurse can examine them.

Mental Health – 40% of Inmate Days

Like Medical bookings, inmates sent to SCORE for mental health reasons require a level of care beyond what the Kirkland Jail offers or could offer in a cost-effective manner. Inmates that are suicidal or that have severe psychological disorders are transferred to SCORE.

This is a category that the Department has attempted to reduce using Mental Health Professionals (MHP) that have historically worked in the field as co-responders but are now also making contacts in the jail. Specifically, the MHP funded by Proposition 1, who started in July 2020, has responded on a number of occasions for inmates who are in crisis.

Temporary Detoxification – 13% of Inmate Days

There are inmates that, at the time of booking into the Kirkland Jail, are under the influence of alcohol and/or drugs such as heroin. These inmates require medical evaluation, medical attention, and continuous monitoring.

In addition to implementing the MAT program as previously described, this is a category that the Department believes will be reduced by the new medical provider who participates in after-hours consultation that allows inmates to stay in Kirkland until they can be examined further by the assigned nurse.

Staffing – 15% of Inmate Days

There are two different ways in which staffing can result in a booking at SCORE:

Re-booking – A re-booking is when an inmate is housed at SCORE on a warrant from another City, but when finished serving their time for that offense, they are re-booked into SCORE on a Kirkland warrant. If Kirkland does not have staff available to pick this inmate up from SCORE when they are re-booked, the inmate will stay at SCORE until staff is available to do so. The

Department can call an officer in on overtime to pick the inmate up, but one overtime shift (minimum of three hours per the labor agreement) costs more than one night at SCORE. The break-even point is about two nights, so for each re-book, the Department must decide whether it is cost-effective to call an officer in for overtime or wait with the expectation of sufficient staffing levels to allow transport the following day.

Same-Gendered Searches – These bookings generally occur when a female arrestee is brought into the jail. If there are no female employees available to perform a search, the inmate is transported to SCORE, where they can be seared and held. The Department policy and procedures related to same-gender searches comply with federal guidelines; *male corrections officers shall not search female inmates*. Kirkland Corrections staff will transfer the female inmates back from SCORE as soon as there is a female staff member available to perform a search.

The Department continues to utilize female Commissioned Police Officers for this function (when available) and continues to recruit female Corrections Officers.

Classification – 6% of Inmate Days

The previous Kirkland Jail was much smaller with a much less diverse jail population, and as such, the system of assigning inmate housing was very basic. The jail only housed male inmates and only those with a history of non-violent behavior.

The current jail includes six 8-person cells, two 6-person cells, two 4-person cells, and two 2-person cells. The 2016 Strategic Plan recommended that, to the degree possible, the Kirkland Jail should adopt state and national standards for jail operations. This included a standardized classification system that more accurately reflected the increased diversity of the inmate population and which would mitigate some of the risks associated with the larger jail facility. The ability to occupy all beds in each cell is significantly impacted by the inmate population and individual classifications. For example, if there are two inmates approved for work release, they might occupy an entire 6-person or 8-person cell. Standard classification rules dictate that work release inmates may not be housed with other inmates due to the possibility that they may bring contraband back into the facility.

An inmate's criminal history or gender has a similar impact. For instance, maximum-security inmates cannot be housed with minimum-security inmates, and female inmates must be housed away from male inmates.

In situations where just a few inmates affect the Department's ability to utilize available bed space in a cell fully, staff mitigates this by temporarily housing them at SCORE. When possible, staff continues to maximize housing efficiencies and mitigate external costs on a daily basis by reassessing and re-organizing inmate populations. To further maximize the use of jail cells and reduce the number of inmates sent to SCORE for classification reasons, the City Council approved converting each of the two detoxification cells into individual housing units completed in 2019. These are spaces that provide greater flexibility for programs such as work release and reduce the frequency of external housing needs.

The below graph shows the initial implementation of classification procedures resulted in an initial spike in inmate days. With more experience, the staff has learned to manage the Jail population and minimize the impact of classification on contract jail expenses.



The spike in cost in January 2020 was directly related to a new SCORE billing structure that included additional daily surcharges in addition to the daily housing rates. The 2020 daily bed rate for SCORE was \$128.00 per day. These new 2020 surcharges are:

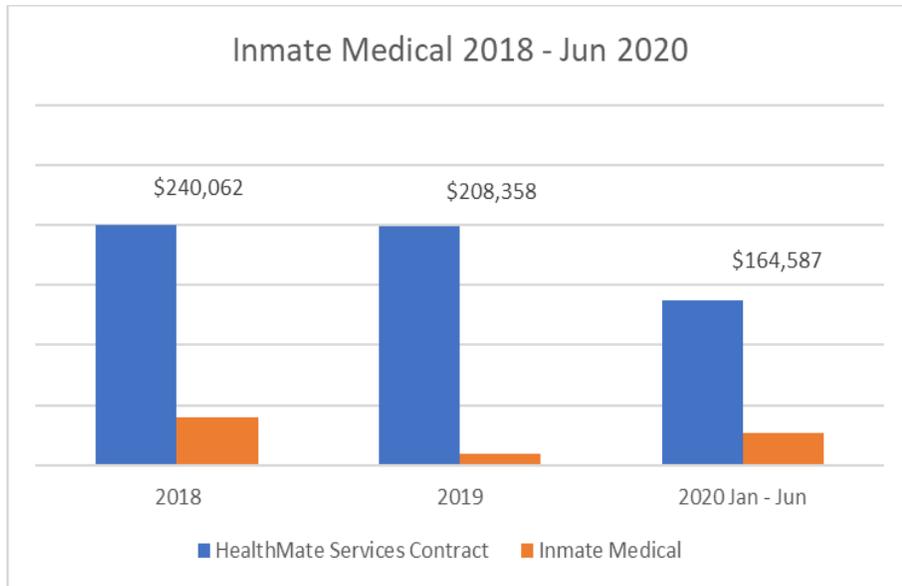
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| Mental Health – Residential Beds | \$159.00 additional per day |
| Medical – Acute Beds | \$217.00 additional per day |
| Mental Health Acute Beds | \$278.00 additional per day |

The decrease in cost following January 2020 is directly related to the COVID19 pandemic.

Jail Medical Costs

The new two-year jail medical provider (HealthMate) contract was signed in November 2019 and then expanded to include the additional service previously discussed on February 01, 2020. The cost per year shall not exceed \$306,800. This is an increase over the last medical provider’s (Occupational Health Services) contract by \$101,343. This new medical contract provides additional nursing hours in the jail and more medical services, including an after-hours on-call physician to assist with the triage of inmate medical issues. It is expected that fewer inmates will need to be housed at outside jail facilities for medical conditions that are now covered under the new contract. The additional medical contract cost is expected to be offset by lower contract jail expenses at SCORE.

The below chart outlines additional inmate medical costs. These medical costs resulting from an inmate needing emergency medical treatment, medical treatment while being housed at an outside jail, or from mandatory alcohol/drug screening fees. The chart below only reflects the year medical bills are paid. For example, \$7,591 of inmate medical was paid in January 2020 but was for services in 2019.



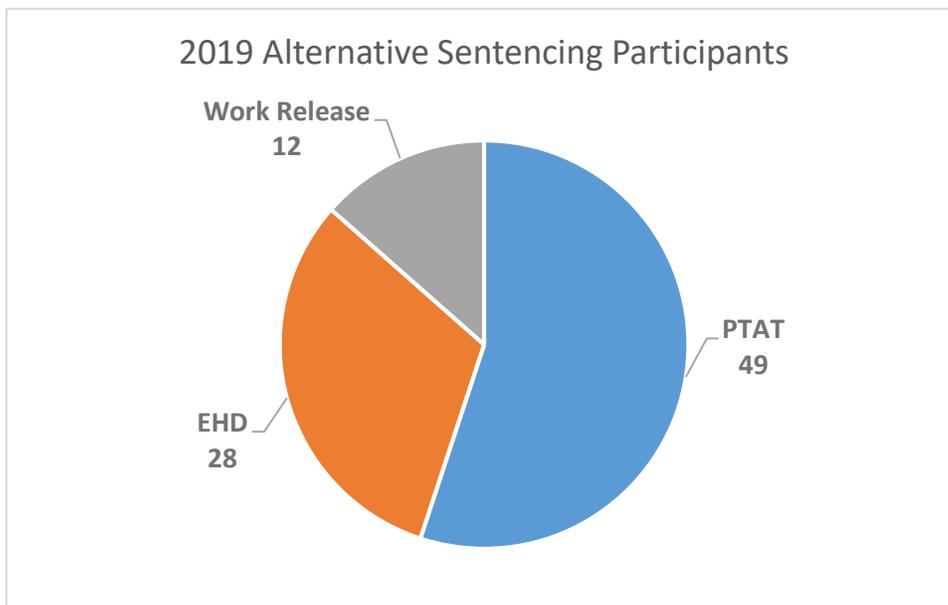
***Inmate medical bills are only paid after a 50% reduction in the original bill is negotiated and approved and can take several months to process the final payment.

Alternative Sentencing

The Kirkland City Jail offers several alternative sentencing programs in conjunction with the Kirkland Municipal Court.

- Electronic Home Detention (EHD) is an alternative sentencing program provided by the Kirkland Jail for individuals that have been sentenced to serve jail time. This program is granted by the Kirkland Municipal Court, and applications approved by the Kirkland Jail. Individuals can apply to serve their time electronically monitored outside of the jail facility. Individuals are restricted to their home residence and their workplace. In addition to location monitoring, alcohol monitoring can also be a program component required by the Kirkland Municipal Court. The individual pays an application fee of \$25 and a \$20 program fee per day. If an individual does not qualify or is not approved for this program, the individual serves their jail time in the Kirkland Jail. The monitoring equipment is leased through the Washington Association of Sheriffs and Police Chiefs (WASPC). An individual or the individual's attorney may request the court approve an outside vendor provide electronic home detention services.
- Pre-trial Alcohol Monitoring (PTAT) is an alcohol monitoring program ordered by the Kirkland Municipal Court. The court may require an individual to refrain from the use of alcohol and impose a condition of alcohol monitoring as part of a pre-trial release or as a condition of bond. The court may require the individual to participate in the PTAT program for any length of time up to case adjudication. Individuals are required to submit breathalyzer tests that are then evaluated by the Kirkland Corrections Officers and Administrative Assistant for compliance. The equipment is leased through the Washington Association of Sheriffs and Police Chiefs (WASPC). An individual or the individual's attorney may request the court approve a private vendor provide PTAT services.

- Work Release (WR) is a program at the Kirkland Jail that is designed to allow inmates to continue employment or schooling while also fulfilling the jail time in which they were sentenced. WR is a "jail alternative," which must first be authorized for screening by the court. The inmate must qualify based on the jail's acceptance criteria as well. The Kirkland Jail reviews several areas to determine if an inmate qualifies for WR. These include, in part, criminal history, current charge, jail behavior, a current job or enrollment in college, and the ability to pay the administrative cost of running the program. These standards were created to make sure that the inmates that are allowed out of the facility to go to work or school, pose the least possible threat to the community. In 2019, restrictions were adjusted on the WR program by removing a ten-day minimum sentence requirement. This increased the number of inmates that would qualify for WR. The program fee per day is two times the individual's hourly work rate (example: \$12.00 per hour = \$24.00 per day program fee).



Coronavirus 2020

In early 2020, concerns of COVID-19 increased significantly across the nation and rapidly turned into a global pandemic. In response, the staff implemented numerous procedures based on best practices to prevent the spread of the virus.

- Staff developed a rigorous disinfecting schedule that was implemented through the jail facility for the safety of both inmates and the staff.
- A detailed medical screening process was developed for all new bookings and included a list of questions and follow-up questions for the arrestee, which they must answer before entering the jail. These questions have been updated on several occasions as more information about the COVID-19 pandemic is learned.
- Specialized housing guidelines were designed to prevent the spread of the virus, including limiting the housing capacity for each cell to four inmates (50% capacity) to allow for better social distancing.
- Specific isolation cells are designated for inmates who report or show symptoms of illness.

- A 72-hour quarantine was implemented, requiring all inmates to spend at least that many hours in an intake cell before being housed in general population. These inmates are monitored for symptoms that may not have been present at the time of booking.
- All inmates are supplied with cloth masks. They are required to wear masks when they are out of their housing units. These masks are exchanged for clean masks every time the inmates receive laundry exchange, which is three times per week.
- Booking restrictions to reduce the number of inmates housed at one time was implemented, which the Department continues to monitor.

The expectation is that the correctional industry standards will change as a result of COVID-19 and that this "new normal" for future jail operations will impact jail ADP, revenue, and expenses.

Jail Accreditation

In January 2020, the Correction Unit began a WASPC Jail Accreditation project. This involves a complete policy review and update, process analysis and improvement, and alignment of departmental strategic goals. The estimated WASPC accreditation is 2021.

Conclusion

Medical, mental health, and detoxification issues continue to occur in a larger percentage of arrests that require care at alternate facilities. The data from 2019, is consistent with what was predicted in the analysis that occurred in September 2018. The changes introduced in early 2020, such as additional medical staff hours by nurses who were capable of providing proactive screening and implementing a Medication-Assisted Treatment (MAT) program were deliberate in an effort to reduce the number of inmates that were transferred to SCORE.

The COVID-19 pandemic has greatly affected the daily population of the jail. The current best practice is to restrict bookings in order to control the number of inmates in close contact with each other. In addition, the Court remains closed for routine business such as criminal trials which means that the Judge is not imposing jail time. The use of Pre-trial Alcohol Monitoring (PTAT) has significantly increased and that workload is now shared by the Corrections Administrative Support Associate and Corrections Officers. The impacts of COVID-19 make predictive analysis for future jail ADP, expenses, and revenue challenging to predict. The COVID-19 pandemic continues to affect operations and reshape the future. The Kirkland Corrections Unit will continue to improve and streamline operations, including video court options, alternative sentencing requirements, effective staffing models, new corrections schedules, updated classification processes, and advanced jail training.