



MEMORANDUM

Date: September 29, 2020

To: Councilmember Lisa Herbold, Chair, Public Safety and Human Services Committee

From: Ben Noble, City Budget Director

Re: King County Jail Services: 2020 SLI CBO-4-A-2

During the 2020 budget process, Council adopted a Statement of Legislative Intent (CBO-4-A-2) asking the City Budget Office (CBO) to provide a report on the use and contracted costs of beds at the King County Jail and options for distribution of services inside the King County Jail.

Jail Contract Management Background

CBO manages the Inter Local Agreement (ILA) with King County Department of Adult and Juvenile Detention (KC-DAJD) for the secure detention of defendants booked and charged with misdemeanors through Seattle Municipal Court. The Agreement began in January of 2012 and runs through December of 2030. Under the terms of the agreement the City pays the County:

- Booking Fee
- Daily Maintenance Charge
- Work Education Release Charge
- Surcharges and Offsite Medical Charges. These are in addition to the above charges and include:
 - Infirmary Care
 - Non-Acute Psychiatric Care
 - Acute Psychiatric Care
 - Guarding Surcharge for inmates held at an off-site medical facility.

SLI Questions:

- 1. *An analysis of the average daily bed use per the contract held by the City by year over the life of the current contract.***

The data below includes the jail bed floor (as laid out in the ILA) with King County for each year as well as the total adult jail population at King County for reference. Data related to the use of Snohomish County is included to provide a complete picture of jail bed use and bookings used by the City however that ILA ended in 2018.

Seattle Adult Detention Average Daily Population (ADP), Bookings and Average Length of Stay

| Year | Seattle ADP | Seattle Bed Floor | KC Total Adult ADP | Snohomish Co ADP | TOTAL Seattle ADP | TOTAL Bookings | Ave Length of Stay (Days) |
|-------|-------------|-------------------|--------------------|------------------|-------------------|----------------|---------------------------|
| 2012 | 188 | 175 | 1970 | 61 | 249 | 7633 | 12 |
| 2013 | 189 | 177 | 1983 | 59 | 248 | 7552 | 12 |
| 2014 | 264 | 178 | 2100 | 10 | 274 | 6789 | 14 |
| 2015 | 272 | 179 | 2048 | 0 | 272 | 7386 | 13 |
| 2016 | 214 | 181 | 2023 | 44 | 258 | 8326 | 11 |
| 2017 | 210 | 215 | 2186 | 17 | 227 | 8189 | 10 |
| 2018 | 174 | 215 | 2107 | 6 | 180 | 7562 | 9 |
| 2019 | 180 | 200 | 2159 | 0 | 180 | 7225 | 9 |
| 2020* | 98 | 187 | 1705 | 0 | 98 | 2772 | 8.6 |

*2020 Data through August

2. The 2019 and 2020 cost per bed/per night per the contract.

The rates in the table below are laid out in the ILA and are inflated every year to keep up with costs.

King County Adult Detention Bed Rates

| | 2019 | 2020 | 2021 |
|-----------------------------|-----------|-----------|-----------|
| Daily Maintenance | \$ 192.03 | \$ 197.44 | \$ 204.72 |
| Work Release | \$ 145.78 | \$ 149.85 | \$ 155.70 |
| Acute Psych Surcharge | \$ 240.11 | \$ 247.07 | \$ 254.48 |
| Pysch Surcharge | \$ 88.90 | \$ 92.81 | \$ 96.99 |
| Infirmary Surcharge | \$ 289.97 | \$ 302.73 | \$ 316.35 |
| Booking | \$ 89.23 | \$ 91.82 | \$ 94.57 |
| 1:1 Guarding Hrly Surcharge | \$ 68.82 | \$ 70.82 | \$ 72.94 |

Note: A'surcharge' is in addition to the Daily Maintenance rate. Pysch is added when an inmate is held in Acute Psych and both surcharges are in addition to Daily Maintenance

3. Options for flexibility in the distribution of services inside the King County Jail given the City's, and County's recent commitment to capital improvements in the Jail for the purpose of enhanced shelter services to provide comprehensive services to community members that are the hardest to serve.

Subsequent to the passage of this SLI in November of 2019 Seattle and King County have experienced profound changes. The COVID-19 pandemic, the murder of George Floyd, and Seattle Municipal Court's release of the Vera Institute report identifying changes in probation practices are resulting in demands for criminal justice reform in arrests, prosecution, sentencing and incarceration.

- COVID-19 cases were identified in King County in early February. In mid-March, King County began significant efforts to reduce the risk of a COVID-19 outbreak among the inmate population by reducing the number of inmates housed in its detention facilities. Recognizing Seattle's cooperation in these efforts, King County waived the contractual bed floor average daily population (ADP) of 187 beds from March 1st through June 30th and agreed to charging only for beds used during this time. The Seattle ADP has fallen dramatically from 181 ADP in February to 50 ADP in June. The waiver was later extended through December 31st. King County was able to reduce its adult jail ADP from approximately 1900 prior to the coronavirus pandemic to about 1300 today. This reduction allowed the Department of Adult and Juvenile Detention to implement social distancing within the County's two jails, protect vulnerable inmates, and isolate those showing symptoms or confirmed to be infected. King County continues to monitor the situation and is interested in considering options for managing jail population going forward through the County's biennial budget process. Savings from this waiver will help ease the significant revenue loss the City faces in 2020.
- On May 25th, George Floyd was killed during a violent arrest where a police officer knelt on his neck for nearly eight minutes. Mr. Floyd's death sparked an outpouring of protesting across the county. Communities in Seattle and King County are calling for reforms including defunding the police, ending systemic racism, and decriminalizing low level crimes. Investments of those funds would be directed to community-led health and safety programs.
- In 2019, SMC sought an evaluation of its Probation Services by the Vera Institute of Justice, an independent nonprofit research and policy organization that works to build and improve justice systems that ensure fairness, promote safety, and strengthen communities. SMC sought this evaluation to identify ways to most effectively serve clients and achieve equitable outcomes in Probation Services, and it has developed an action plan to implement the report's recommendations over the coming months and years. Many cases that come to the court are not diversion-eligible, and SMC judges rely on probation as a rehabilitative alternative to jail. In response to preliminary findings from the Vera report, SMC judges adopted new sentencing guidelines in early 2020 with the goal of reducing judicial referrals to probation for lower-risk individuals and reserving probation for high-risk cases.

These three issues have provided a catalyst to move Seattle and King County to review the current jail contract and how the jail population is managed. There is the potential to chart a shared path forward to reduce the use of incarceration where community-based, health-promoting approaches would be better for our City, our residents, and our budget.

Further, King County Executive Dow Constantine has announced plans to convert the remaining detention units at the county's juvenile jail to "other uses" by no later than 2025. Concurrently, the King County Department of Adult and Juvenile Detention announced a "phased closing" of the downtown Seattle correctional facility after the pandemic ends. In both cases, Executive Constantine noted how the confluence of the COVID-19 pandemic and our community's call to reimagine the role of our criminal legal system prove that we can do more than what we thought possible while calling us to seek even bolder change.

These opportunities will require important changes to the relationship between the City and County regarding the use of the County's facilities. Consistent with that perspective, the County Executive's

September 29, 2020

Office reached out to initiate conversations about how our current contract can be adapted to our mutual goals of significantly reducing detention and enhance investments in the types of community-based investments that preempt the need to rely on the criminal legal system to address problems that are more attributable to insufficient health and housing supports than they are to crime.

The County Executive's Office communicated an intent to redirect a share of the resources now spent on jail operations toward community-based supports that can reduce the use of the jail. The goal is to increase community-based support for disproportionately incarcerated communities through investment in programs lowering the risk of any involvement with the criminal justice system. The plan is to have the County and City work collaboratively with representatives from the affected communities to allocate these resources. As part of this agreement, the County and City will also establish a process for ongoing monitoring of jail operations with the aim of providing appropriate services and care for those who are incarcerated. Our success in this important goal depends upon our ability to build up alternatives that avoid legal interventions by focusing on health, housing, and healing.

The work with the County is underway; we all share a sense of urgency regarding the need for meaningful reforms. We have pulled together a staff group that includes representatives from the Office of Civil Rights to support these discussions, and will provide additional information as the dialogue with the County continues.

CC: Public Safety and Human Services Committee Members

Councilmember Gonzalez

Councilmember Lewis

Councilmember Morales

Councilmember Sawant

Councilmember Pedersen

Dan Eder, Interim Council Central Staff Director

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