



## King County

### Metropolitan King County Council Law, Justice and Human Services Committee

#### STAFF REPORT

**AGENDA ITEM: 6**

**DATE: June 19, 2008**

**PROPOSED MOTION: 2008-0279**

**PREPARED BY: Clifton Curry**

**SUBJECT:** A MOTION acknowledging receipt of a report from the Office of Management and Budget detailing a review of the feasibility of implementing changes in how the county uses its community corrections program.

**SUMMARY:** At the committee's May 1<sup>st</sup> and 15<sup>th</sup> meetings, the committee heard from individuals who have successfully completed community corrections programs and an update on the county's current programs in preparation for the committee's review of these motions related to the acceptance of 2008 Budget Proviso responses. Since the inception of these programs, the county has seen a significant decline in its secure jail population and continuing increases in its use of alternatives to secure detention. At the June 5<sup>th</sup> meeting, the committee heard from the directors of the Office of Management and Budget, Community Corrections, and other staff the results of a review of the current system and how that system might be expanded through process improvements and/or actual program expansion. At today's meeting we discuss the next steps identified in the proviso report.

**Background.** King County's criminal justice system, that includes law enforcement, secure detention, prosecution, indigent defense, and adjudication of criminal matters in superior and district courts, accounts for almost three quarters of the county's discretionary expenditures. While these responsibilities are mandated by constitutional, statutory, and other requirements, the county has a great deal of flexibility in establishing levels of service. In recognition of the fact that increases in criminal justice expenditures are outpacing the county's ability to pay for these increases, the county council adopted the Adult Justice Operational Master Plan. As a result, King County's adult justice system has been engaged in an intensive effort to explore alternative types of sanctions, identify justice system process improvements that will reduce costs and make the best use of limited detention resources in order to promote public safety and preserve jail capacity for those offenders for whom jail is the only option and reduce the use of secure detention in the county.

With the approval of the Adult Justice Operational Master Plan, the county established policies for the use of secure detention capacity, that emphasized system and process efficiencies that reduce the utilization of jail and reduce overall criminal justice expenditures, encouraged alternatives to the use the secure detention for adult offenders in order to make best use of limited detention resources and preserve public safety, and to

established as a county policy the requirement for the use of integrated and coordinated treatment of offenders whose criminal activity is related to substance abuse or mental illness in order to avoid future system costs, reduce jail utilization for these groups, and reduce future criminality. Specifically, the council adopted as policy in Ordinance 14430:

SECTION 5. The council also encourages the development and use of alternatives to the use of secure detention for adult offenders in order to make best use of limited detention resources and preserve public safety. These intermediate sanctions should be used in a graduated and measured manner, appropriate to the offense and cognizant of the cost effectiveness—measured through lower costs, or reducing the costs of future offending.

Therefore, it has been the County's adopted policy for adult criminal justice since 2002 to make maximum use of alternatives to secure detention. In addition, county policy includes the council's stated intent that treatment—when it reduces offender recidivism—should be used to the fullest extent possible.

When the reform efforts began, the county had minimal numbers of individuals involved in alternative programs. In 2002, in an average week, 100 individuals were in the county's work release program and three individuals were on electronic home release. Since 2002, the county's criminal justice agencies have been working towards the implementation of these policies. The executive created within the Department of Adult and Juvenile Detention, a Community Corrections Division. The representatives of the division worked successfully with the superior and district courts (along with the prosecutor and public defender) to develop the means by which the courts will use alternatives to secure detention. To ensure public safety and avoid liability issues—the decision to place an individual in a community corrections program is always done through a judicial decision. Several new alternatives and other programs have been developed since 2002.

The council recognized during its 2003 budget deliberations that, with the goal of maximizing the use of alternatives and treatment options, the judges would need to have specific information in order to make appropriate decisions. As a consequence, the council added to the 2003 budget an appropriation for the development of an "intake services pilot program." The council placed this appropriation within the Superior Court's budget. However, after review, the responsibilities of the Intake Services Unit were transferred to the Division of Community Corrections in 2003. Additionally, resources were made available to the Department of Community and Human Services for the development of "Criminal Justice Initiative" programs that sought to provide appropriate services and treatment to individuals to avoid secure detention and to reduce re-offending. Many of these programs have been implemented in conjunction with the community corrections program. In 2004, the council added resources to community corrections for expanded work crews, intake services, and community alternatives programs. The council also provided funding for inmate re-licensing programs and added resources to develop the "Helping Hands" initiative. In 2005, the budget added resources for the development of information technology initiatives and a community "re-entry program." For 2006, the council added resources for the expanding alternatives programs and to initiate a learning center.

In 2008, the county's community corrections division has, on average, over 1,000 individuals involved in all of its various program each week—an almost ten-fold increase in less than five years. The 2008 Budget maintains implementation of the county's policies related to the use of alternatives to secure detention. However, there were no significant increases for the Community Corrections Division budget. Nevertheless, alternatives to secure detention through the department's Community Corrections Division are being utilized at rates much higher than expected. For example, the county's day reporting program (Community Center for Alternative Programs—CCAP), were projected to have an average number of 99 participants in the 2008 budget, but have grown to an average daily number of 192 participants through April 2008. All of the division's programs have shown similar utilization patterns. A significant issue is that continued growth in these programs is limited because of space and facility limits. For example, there have been up to *30 day waiting periods* to get eligible inmates in the jail into the Work and Education Release program because of space limitations. At times, there have been waiting lists of up to 90 inmates who stay in secure detention waiting for space availability. The division's programs have also been constrained by geographic issues (most programming is located in Seattle) and most are unavailable to city misdemeanants.

As consequence of the identified limitations on the enrollment in these programs, the council adopted two provisos in the 2008 Budget. The first requires a review of the feasibility of implementing changes in how the county uses its community corrections programs. The proviso requires the executive, working with representatives of the Superior Court, District Court, Office of the Prosecuting Attorney, Office of the Public Defender, sheriff and the departments of Adult and Juvenile Detention and Community and Human Services, review the current use of community corrections alternatives and programs and evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity. The other proviso requires the executive to report to the council on which community corrections need to be expanded, when expansion is needed, and a description of the best geographical locations for the expanded programs.

**OMB Proviso.** As noted above, the council adopted the following Budget Proviso as part of the 2008 Budget:

Of this appropriation, \$25,000 shall not be expended or encumbered until the council reviews, and by motion acknowledges receipt of a report from the OMB detailing a review of the feasibility of implementing changes in how the county uses its community corrections programs. The office shall transmit the report to the council by April 1, 2008. The OMB, working with representatives of the superior court, district court, office of the prosecuting attorney, office of the public defender, sheriff and the departments of adult and juvenile detention and community and human services, shall review the current use of community corrections alternatives and programs and evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity.

The report shall identify the executive's plans for negotiating and implementing agreements with the courts to implement any proposed changes, schedules, resources needed for implementing program changes and milestones.

In adopting this proviso, the council was acknowledging that community corrections capacity can be increased by either adding new program resources or space, or by improving the system and processes to make them more efficient overall. For example, capacity for work/education release

can be created by adding beds or by reducing the length-of-stay for current users—thus freeing up space earlier and allowing more participants.

In order to respond to the proviso, in December 2007 the Office of Management and Budget reconvened the Adult Justice Operational Master Plan (AJOMP) Advisory Group – comprised of representatives of the Superior Court, District Court, Office of the Prosecuting Attorney, Office of the Public Defender, Sheriff's Office, the Department of Adult and Juvenile Detention, the Department of Community and Human Services, and council staff– to guide the review of community corrections programs and processes. The Advisory Group met regularly since December to consider changes to the use and capacity of community corrections. A smaller work group of criminal justice system stakeholders was charged with carrying out the research and conducting the necessary analysis to produce an initial set of recommendations.

The final report that has been transmitted with this motion contains extensive data about community corrections, a statement of mission, goals, and guiding principles and three recommendations for immediate implementation and 11 possible changes that will require further exploration and analysis. The report also contains a plan for examining the benefits to implementing the potential 11 changes and sets a preliminary timeline for making implementation decisions.

***Community Corrections Mission, Goals, and Guiding Principles.*** The advisory group determined at the outset of its evaluation of the use of community corrections programs that there should be a system-wide understanding of, and agreement with, the mission and goals of community corrections. Both the Work Group and the Advisory Group reviewed and agreed to the mission developed by division staff. The group then discussed the goals of providing alternatives to incarceration in King County. This discussion indicated the need for a consensus statement of goals and guiding principles in the use of alternatives. The advisory group agreed to the following mission for the Community Corrections Division and to the goals and guiding principles for alternative sanctions in King County:

### **Community Corrections Mission, Goals & Guiding Principles**

#### **CCD Mission:**

*The Community Corrections Division (a division of the Department of Adult & Juvenile Detention) provides the court system as well as the offender with pre-trial and sentenced alternatives to secure confinement aimed at reducing the jail population, decreasing the offender's failure to appear rate, increasing the offender's accountability, and reducing the offender's rate of re-offense.*

#### **Goals of Community Corrections/Alternatives to Incarceration:**

- Provide targeted and integrated community corrections programming that is well-understood by criminal justice agencies.
- Decrease offenders' involvement in the Criminal Justice System, through:
  - Fewer bench warrants resulting from either failure to appear (FTA) or failure to comply (FTC);
  - Improved accountability to court process and conditions of release;
  - Reduction in the rate and severity of re-offense.
- Decrease jail usage and slow the rate of jail and criminal justice expenditures.
- Support offenders in reintegrating into the community through the provision of therapeutic and education programs within the continuum of alternative sanctions.

**Guiding Principles for the Use of Community Corrections/Alternatives to Incarceration:**

- Provide cost-effective programs.
- Provide community corrections alternatives to secure detention in the least restrictive environment without compromising public safety.
- Provide programs that are proven effective and/or reflective of promising practices;
- Improve the quality of life of offenders by providing linkages to ongoing treatment and services in the community following discharge from alternatives.
- Support offenders to make positive behavior change.

These are reasonable goals and principles and conform to the policies the council has adopted with the Adult Justice Operational Master Plan.

***Near Term Recommendations.*** The following three recommendations respond to immediate needs identified through the CCD review. None of them require further exploration and the AJOMP Advisory Group has agreed to all three recommendations.

- **Amend King County Code to be consistent with RCW 9.94A.680 “Alternatives to Incarceration”** – The review revealed a need to change King County code regarding the Community Corrections Division so that the language is consistent with RCW 9.94A.680 *Alternatives to Total Confinement*, a state law which directs counties to make alternative sanctions available for felony sentences of one year or less. King County Code should incorporate language to make explicit that CCAP is a “county supervised community option.” This language confirms that for offenders convicted of nonviolent and non-sex offenses, the use of this alternative, in lieu of jail confinement, may be used for felony sentences of one-year or less. The proposed ordinance to make this change is under review by the Executive.
- **Provide improved criminal justice system education regarding community corrections alternatives** – Throughout the course of developing the proviso response, it became clear that there is a varied and inconsistent understanding of community corrections alternatives. As a result, some alternatives may be under utilized and/or used inappropriately. Although training is currently provided, it needs to be done more frequently, coincide with judicial rotations, and given to all parts of the criminal justice system. There is also a need to develop a variety of education materials, including an easily referenced desk top tool (paper and web-based), so that all criminal justice system partners are well informed about CCD and alternative options.
- **Eliminate EHD Basic** – This program is not well understood by the criminal justice system which may result in inappropriate assignments to this program. EHD Basic was initially set up as a system for decreasing failure to appear for those being released from secure custody. There is initial verification of employment, but location is not verified when the individual is “out of home” which raises the question as to the purpose that it serves.

Each of these recommendations is reasonable, and the executive should work towards implementation.

***Proposals for Continued Study.*** The advisory group reviewed the current use of community corrections alternatives to evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity. This review included participation and collaboration across the criminal

justice system and led to the identification of a series of options that need further exploration. The group identified three key areas for further review that may improve the use of community corrections alternatives. These areas are: (1) Structure of existing programs within the Community Corrections Division to include improving CCAP Basic to include more frequent monitoring, contracting for a domestic violence treatment module in CCAP, adding therapeutic programming, via a contract provider, in all alternatives, expand housing options for community corrections participants, and improve CCD data collection and evaluation; (2) Add capacity and new geographic locations for community corrections programs and alternatives by providing alternative programs South King County, consider making programs available to cities that contract with the jail, and expand work crew to serve felons sentenced in Superior Court; and, (3) Add new models/practices with the implementation of validated risk and needs assessment screening tools and a system of graduated sanctions.

Each of these areas is discussed detail in the proviso response with specific examples of what should be considered and explored further. The response includes the following timeline for the completion of these reviews. Each of the areas for review have the potential for creating significant new capacity within community corrections and should be studied. The first meeting to implement this work plan has already been scheduled.

	<b>Work Plan Task/Steps</b>	<b>Schedule Estimate</b>
Implement Recommendations	Amend King County Code to be consistent with RCW 9.94A.680 "Alternatives to Incarceration"	May 2008
	Implement Criminal Justice System Education <ul style="list-style-type: none"> <li>• Develop revised training curriculum</li> <li>• Review of curriculum by CCD staff and AJOMP Work Group</li> <li>• Deliver training to necessary CJ agencies</li> <li>• Develop plan for on-going CJ system training</li> </ul>	4 <sup>th</sup> Quarter 2008
	Implement the Elimination of EHD Basic <ul style="list-style-type: none"> <li>• Determine the necessary communication and administrative changes</li> <li>• Communicate with courts and CCD staff</li> <li>• Implement change</li> </ul>	3 <sup>rd</sup> Quarter 2008
Explore Recommendations for Possible Changes to CCD	AJOMP Advisory Group Prioritization of Recommendations for further review <ul style="list-style-type: none"> <li>• Determine those recommendations that can be implemented quickly and at no or low cost</li> <li>• Determine which recommendations require additional data and/or expert consultation</li> <li>• Prioritize recommendations for further exploration</li> </ul>	3 <sup>rd</sup> Quarter 2008
	Develop Detailed Next Steps Plan Based on Prioritization <ul style="list-style-type: none"> <li>• Determine resources needed for consultation and work plan execution</li> </ul>	4 <sup>th</sup> Quarter 2008
	Conduct Analysis/Exploration <ul style="list-style-type: none"> <li>• Hire consultants as necessary</li> <li>• Communicate with criminal justice system partners</li> <li>• Negotiation as needed with courts regarding any proposed changes</li> </ul>	2 <sup>nd</sup> Quarter 2009
	Make final recommendations for changes and develop implementation plan	2 <sup>nd</sup> Quarter 2009

**ATTENDEES:**

1. Nate Caldwell, Director, Community Corrections Division, Department of Adult and Juvenile Detention
2. Kari Tamura, Deputy Director, Department of Adult and Juvenile Detention
3. Toni Rezab, Chief of Administration, Department of Adult and Juvenile Detention

**ATTACHMENT:**

1. Executive Transmittal Letter
2. Proposed Motion 2008-0279
3. Use of Community Corrections Division Review, Report to the King County Council, May 2008

May 15, 2008

The Honorable Julia Patterson  
Chair, King County Council  
Room 1200  
COURTHOUSE

Dear Councilmember Patterson:

I am pleased to transmit to you legislation responding to two provisos in the 2008 Adopted King County Budget (Ordinance 15975).

Both provisos pertain to the Department of Adult and Juvenile Detention's Community Corrections Division (CCD). The first is found in Proviso P3, Section 19 of the ordinance and requires that the Office of Management and Budget (OMB) provide a report "detailing a review of the feasibility of implementing changes in how the county uses its community corrections programs." The second is found in Proviso P1, Section 51 of the same ordinance and requires that the Department of Adult and Juvenile Detention (DAJD) provide a report "detailing the results of its capacity analysis for its community corrections program." In March, I requested an extension of the original deadline for both provisos to May 15, 2008.

In order to respond to the OMB proviso, in December 2007 OMB reconvened the Adult Justice Operational Master Plan (AJOMP) Advisory Group – comprised of representatives of the Superior Court, District Court, Office of the Prosecuting Attorney, Office of the Public Defender, Sheriff's Office, the Department of Adult and Juvenile Detention and the Department of Community and Human Services – to guide this work. The Advisory Group has been meeting regularly since December to consider changes to the use and capacity of community corrections. A smaller work group of criminal justice system stakeholders was charged with carrying out the research and conducting the necessary analysis to produce an initial set of recommendations; this includes three recommendations for immediate implementation and 11 possible changes that will require further exploration and analysis. Thus far, the process has laid the foundation for a more in-depth review of issues and ideas that may lead to better utilization of existing community corrections capacity. The report lays out a plan for moving forward with this analysis and sets a rough timeline for making implementation decisions.

Some of the AJOMP Advisory Group recommendations for further exploration, if implemented, would have an impact on the size and geographic capacity of CCD alternatives. Using this



information as a starting point, a work group comprised of staff from OMB, DAJD, and Facilities Management Division (FMD) was formed to respond to the DAJD proviso. In addition to reviewing the capacity recommendations of the AJOMP Advisory Group, they also considered the population forecasts for CCD alternatives that were submitted by two separate consultants in 2007. Based on this information, preliminary capacity conclusions have been drawn and a plan has been laid out for moving forward with conducting additional analysis to inform potential CCD capacity expansion decisions. As there are interdependencies between these decisions and several other jail and criminal justice facility planning efforts currently underway, the work moving forward will need to be closely aligned with the work plans for each of these projects.

As directed in the DAJD proviso, FMD staff analyzed the office space vacated by the Department of Executive Services, Elections Division, on the fifth floor of the King County Administration Building in December 2007 as a possible location for CCD expansion. This analysis concluded that the office space in the Administration Building is not a good option for housing CCD programs and alternatives. However, with additional space in the Yesler Building being provided to CCD by the end of this year, there should be enough square feet to meet the existing space needs of the division. This assumes no significant changes in the near future.

Moving forward, there will need to be considerable coordination between the two work plans outlined in the proviso reports. How King County uses its community corrections alternatives will direct and inform priorities for considering expansion of specific alternatives. In addition, both efforts require similar data gathering and statistical analysis that will guide decisions moving forward. Next steps for capacity expansion and use of CCD recommendations will be staffed by the same OMB project manager and the CCD Director and both will be guided and informed by the AJOMP Advisory Group. These efforts will be coordinated and the ultimate set of recommendations will be mutually supportive and provide a logical framework for moving forward with making capacity or programmatic changes to CCD.

As you are aware, King County will experience significant budget challenges this year as well as moving into 2009 and beyond. The known budget deficit will require significant annual budget reductions in the foreseeable future. Any consideration of expanding or changing CCD programs and alternatives will need to take this into account. Necessarily, the next steps work and analysis of possible changes and/or expansion to CCD alternatives outlined in each of the proviso reports will need to be carefully evaluated for cost implications as well as possible cost savings to the county.

On a positive note, on April 9, 2008, President Bush signed Second Chance Act of 2007. This new legislation authorizes grant funding for states and counties to provide community-based prisoner re-entry services aimed at reducing re-offense and violations that result in re-incarceration. Grant funding will be available to promote the safe and successful reintegration into the community of individuals who have been incarcerated. Among the specific topics to be considered for demonstration grants will be projects to improve release and revocation decisions through the use of risk assessment tools. My staff will be closely tracking the Department of Justice web site for the notice of funds availability associated with the Second Chance Act of

The Honorable Julia Patterson  
May 15, 2008  
Page 3

2007 as this may present an opportunity for King County to secure additional funding for community corrections programs and alternatives.

Both of these proviso reports were produced through the collaborative effort of several Executive departments and all of King County's criminal justice agencies. I want to express appreciation to the members of AJOMP Advisory and Work Groups for their willingness to come together and work collaboratively to improve King County's criminal justice system.

If you have questions or comments regarding either of these reports, please contact Bob Cowan, Director, Office of Management and Budget, 206-296-3434 or Nate Caldwell, Community Corrections Division Director, Department of Adult and Juvenile Detention, 206-296-3600. My staff and I look forward to working collaboratively with the AJOMP Advisory Group in executing the next steps outlined in these proviso reports.

Sincerely,

Ron Sims  
King County Executive

Enclosures

cc: King County Councilmembers

ATTN: Ross Baker, Chief of Staff

Saroja Reddy, Policy Staff Director

Anne Noris, Clerk of Council

Frank Abe, Communications Director

Bob Cowan, Director, Office of Management and Budget

Beth Goldberg, Deputy Director, Office of Management and Budget

Jeannie Macnab, Senior Policy Analyst, Office of Management and Budget

Reed Holtgeerts, Director, Department of Adult & Juvenile Detention (DAJD)

Toni Rezap, Chief of Administration, DAJD

Nate Caldwell, Community Corrections Division Director, DAJD

Kathy Brown, Facilities Management Division (FMD) Director, Department of Executive Services

Terri Flaherty, Director of Special Initiatives, FMD



KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

Signature Report

June 18, 2008

Motion

Proposed No. 2008-0279.1

Sponsors Lambert

1 A MOTION acknowledging receipt of a report from the  
 2 office of management and budget detailing a review of the  
 3 feasibility of implementing changes in how the county uses  
 4 its community corrections program.

5  
 6 WHEREAS, the county is mandated by constitutional, statutory and other  
 7 requirements to provide secure detention and alternatives to incarceration, and

8 WHEREAS, it is the policy of King County to encourage alternatives to the use of  
 9 secure detention for adult offenders in order to make the best use of limited detention  
 10 resources and preserve public safety, and

11 WHEREAS, King County established the community corrections division of the  
 12 department of adult and juvenile detention to provide alternatives to adult detention, and

13 WHEREAS, King County must ensure that it is effective and efficient in  
 14 providing alternatives to secure detention, and

15 WHEREAS, changes to the way in which community corrections alternatives are  
 16 utilized may lead to better utilization of existing community corrections program  
 17 capacity, and

**Motion**

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18           WHEREAS, Ordinance 15975, the 2008 King County Budget Ordinance,  
19           contains a proviso requiring the office of management and budget to work with  
20           representatives of the superior court, district court, office of the prosecuting attorney,  
21           office of the public defender, sheriff and the departments of adult and juvenile detention  
22           and community and human services, and review the current use of community  
23           corrections alternatives and programs and evaluate whether changes in screening,  
24           processing, sentencing or monitoring compliance could lead to better utilization of  
25           existing community corrections program capacity, and

26           WHEREAS, the executive has transmitted to the council with this motion, a  
27           report developed collaboratively with county criminal justice system partners, that details  
28           a review of the feasibility of implementing changes in how the county uses its community  
29           corrections program;

30           NOW, THEREFORE, BE IT MOVED by the Council of King County:

**Motion**

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31           The Use of Community Corrections Division Review – Report to King County  
32 Council, Attachment A to this motion, is hereby acknowledged as received.  
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KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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ATTEST:

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**Attachments**     A. Use of Community Corrections Division Review--Report to King County Council--  
                          May 2008

2008-0279 Attachment A

**Use of Community Corrections  
Division Review**

**Report to King County Council**

**May 2008**

**Prepared by:**

King County Office of Management and Budget  
Bob Cowan, Director

**In Collaboration With:**

The Adult Justice Operational Master Plan Advisory Group:  
Department of Adult and Juvenile Detention  
Department of Community and Human Services  
Department of Judicial Administration  
Metropolitan King County Council  
District Court  
Superior Court  
Office of the Prosecuting Attorney  
Office of the Public Defender  
King County Sheriff's Office

## Executive Summary

This report responds to a proviso in the 2008 Adopted Budget (Ordinance 15975) requesting a review of the feasibility of implementing changes in how the county uses its community corrections programs. The proviso directed the Office of Management and Budget (OMB) to reconvene the Adult Justice Operational Master Plan (AJOMP) Advisory Group to: *review the current use of community corrections alternatives and programs and evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity.*

The AJOMP Advisory Group, comprised of representatives from King County's criminal justice agencies has been meeting regularly since December 2007. The Advisory Group charged a smaller work group with carrying out the research and conducting the necessary analysis to produce an initial set of recommendations for further exploration that are included in this report. The Work Group reviewed background information and data on the alternatives to incarceration and explored the services and programs provided by the Department of Adult and Juvenile Detention's (DAJD) Community Corrections Division (CCD). As part of this process the group drafted - and the Advisory Group approved - a mission, goals and guiding principles for the use of community corrections and alternatives to incarceration in King County.

The Work Group identified a series of possible changes to CCD that need further exploration. The group identified three key areas for further review and 11 possible changes within CCD that may improve the use of community corrections alternatives. All of these ideas require additional discussion and analysis before a determination can be made as to whether or not they should be implemented. This analysis will need to include a review of any associated costs with making the change. The Advisory Group reviewed and approved the following recommendations of the Work Group:

- **Explore changes to the existing programs and structure of DAJD's Community Corrections Division**
  - Improve Community Center for Alternative Programs (CCAP) Basic to include more frequent urinalysis monitoring
  - Consider contracting for a domestic violence treatment module in CCAP
  - Add therapeutic programming, via a contract provider, in all alternatives
  - Add breath alcohol testing and monitoring in Electronic Home Detention (EHD)
  - Expand housing options for EHD and CCAP participants
  - Improve CCD data collection and evaluation
- **Explore changes to the capacity of the Community Corrections Division programs and alternatives**
  - Provide CCAP, Work Education Release (WER), and Community Work Program (CWP) in South King County
  - Consider making CCD alternatives and programs available to cities that contract with the jail
  - Expand CWP to serve felons sentenced in Superior Court

- **Explore the implementation of new models/practices within CCD**
  - Explore the implementation of validated risk and needs assessment screening tools
  - Explore the implementation of a system of Graduated Sanctions

Each of these recommendations for further exploration is discussed in more detail within the body of this report. This discussion includes specific considerations that need to be taken into account for each of these possible changes.

The Work Group also identified three changes for immediate implementation. These recommendations respond to immediate needs identified by the Work Group. The Work Group feels that further exploration of these recommendations is not necessary and the AJOMP Advisory Group has agreed to all three of them.

- **Recommendations for Immediate Implementation**
  - Amend King County Code (specific to community corrections) to be consistent with RCW 9.94A.680 “Alternatives to Incarceration”
  - Provide improved criminal justice system education regarding community corrections alternatives
  - Eliminate EHD Basic

The final section of the report lays out next steps for implementing the above three recommendations and for exploring other possible changes. This process will be co-staffed by the Office of Management and Budget and the Community Corrections Division and will continue to be guided and advised by the AJOMP Advisory Group. Given King County’s current financial position, next steps in exploring any changes to CCD alternatives will need to be carefully evaluated for cost implications as well as possible cost savings to the county.



## **Introduction**

In response to a proviso in the 2008 Adopted Budget (Ordinance 15975), the Adult Justice Operational Master Plan (AJOMP) Advisory Group has conducted a review of the Department of Adult and Juvenile Detention's Community Corrections Division (CCD) programs and alternatives. This report summarizes the work of this committee and identifies possible changes to the use of CCD programs and alternatives that need further exploration. This report also lays out a work plan and timeline for moving forward with next steps and contains three recommendations for immediate implementation. Given King County's current financial position, next steps in exploring any changes to CCD alternatives will need to be carefully evaluated for cost implications as well as possible cost savings to the county.

## **Proviso**

The following is an excerpt from the King County 2008 Adopted Budget, Ordinance 15975, Section 19 Office of Management and Budget, P3.

*Of this appropriation, \$25,000 shall not be expended or encumbered until the council reviews, and by motion acknowledges receipt of a report from the OMB detailing a review of the feasibility of implementing changes in how the county uses its community corrections programs. The office shall transmit the report to the council by April 1, 2008. The OMB, working with representatives of the superior court, district court, office of the prosecuting attorney, office of the public defender, sheriff and the departments of adult and juvenile detention and community and human services, shall review the current use of community corrections alternatives and programs and evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity.*

*The report shall identify the executive's plans for negotiating and implementing agreements with the courts to implement any proposed changes, schedules, resources needed for implementing program changes and milestones.*

*The plan required to be submitted by this proviso must be filed in the form of 11 copies with the clerk of the council, who will retain the original and will forward copies to each councilmember and to the lead staff for the law, justice and human services committee, or its successor.*

## **AJOMP Advisory Group Membership and Process Overview**

The AJOMP Advisory Group was reconvened in December 2007 to guide and oversee the process of reviewing the use of CCD alternatives and providing recommendations for changes. The Advisory Group was comprised of one or two representatives from each of King County's criminal justice agencies: Superior Court, District Court, Prosecuting Attorney's Office, Office of the Public Defender, King County Sheriff's Office, and the Departments of Adult and Juvenile Detention and Judicial Administration. It also had

representatives from the King County Council, Office of Management and Budget, and the Department of Community and Human Services. The Advisory Group charged a smaller work group with carrying out the research and conducting the necessary analysis to produce the initial set of recommendations for further exploration that are included in this report. The Work Group was comprised of representatives from criminal justice agencies with a key stake in how the County's alternatives are used. The Advisory Group reviewed and approved the recommendations of the Work Group. Both the Advisory Group and the Work Group made decisions by consensus. See Attachment 1 for a list of Advisory Group members and Attachment 2 for a list of Work Group members.

### **CCD Background and Data**

Through CCD, King County operates a series of alternatives to incarceration which provide the courts with options between jail and release to the community. These programs are referred to as alternatives to incarceration, although some, such as Work Education Release (WER), function as a partial custody program. To varying degrees, CCD alternatives are available to pre-trial defendants and offenders sentenced in either District or Superior Court. Table 4 on pages 9-10 of this report specifies whether the alternative serves pre-trial defendants, sentenced offenders, or both and whether or not it is available to District Court, Superior Court, or both. The courts order defendants directly into one or more specific alternatives. Via a separate order, the court also orders the conditions under which an individual will participate in the alternative. An overview of alternatives available in King County is provided in this report on page 6.

In addition to the alternatives, CCD operates the Intake Services Unit (ISU) which screens individuals booked into secure custody and provides that information to the court. This information is then used to assist the court in decisions to detain, release, or place in individual in an alternative. Using Administrative Court Guidelines, ISU staff members facilitate pre-trial release of defendants who meet the criteria in the guidelines. The ISU Felony Arraignment Notification (FAN) program notifies defendants of their upcoming court dates in an effort to reduce failure-to-appear violations. CCD also provides several education and reentry support programs that support offenders' transition back into the community at the completion of their sentences.

In 2005, Mark Morris Associates – an independent consulting firm with expertise in adult justice systems – reviewed King County's existing community corrections alternatives and provided recommendations for improvement. Their work included a review of best practices and the evaluation data of comparable jurisdictions around the country. Initially, it was intended that the consultant would provide a comprehensive evaluation of the newly established division. Due to issues with the division's data systems, a comprehensive evaluation was not possible. However, the consultant did provide an evaluation design plan for future use.

While an upgrade to CCD's data system is in the planning stages, there will not be available data to conduct a comprehensive evaluation for several years.<sup>1</sup> Given this, there is very limited evaluation and program outcome data available regarding the use and effectiveness of CCD alternatives. Table 1 below provides a demographic and data snapshot of CCD alternatives.

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<sup>1</sup> Note - In the 2008 Adopted Budget, CCD received funding to develop requirements and the Request for Proposal for an upgrade to CCD's data system, called ComCor.

**Table 1 - CCD Demographics & Data for 2006**

<b>Work Education Release (WER)</b>	Gender	91% male 9% female
	Charge	58% felony 42% misdemeanor
	Adjudication Status	12% pre-trial 88% sentenced
	Program Completion	78% completed 22% failed
<b>Electronic Home Detention (EHD)</b>	Gender	75% male 25% female
	Charge	62 % felony 38% misdemeanor
	Adjudication Status	13% pre-trial 87% sentenced
	Program Completion	87% completed 13% failed
<b>Community Center for Alternative Programs (CCAP)</b>	Gender	70% male 30% female
	Charge	86% felony 14% misdemeanor
	Adjudication Status	77% pre-trial 23% sentenced
	Program Completion	49% completed 51% failed
<b>Community Work Program (CWP)</b>	Gender	Not Available
	Charge	0% felony 100% misdemeanor
	Adjudication Status	0% pre-trial 100% sentenced
	Program Completion	84% completed 16% failed
<b>Helping Hands Program (HHP)</b>	Gender	65% male 35% female
	Charge	34% felony 66% misdemeanor
	Adjudication Status	0% pre-trial 100% sentenced
	Program Completion	58% completed 42% failed

## CCD Mission, Goals & Guiding Principles

The Community Corrections Division was established in 2002 via Ordinance 14561. The ordinance directed that the duties of CCD include: implementation of alternatives to adult detention based on screening criteria approved by the superior and district courts; assessment of the needs of adult persons placed in alternatives to detention; and contracting with private non profit community agencies to provide services for re-licensing offenders. Following this, CCD staff developed a mission and goals for the division.

In reviewing the use of CCD with criminal justice system partners, it became clear that it was necessary for there to be system-wide understanding of, and agreement with, the mission and goals of community corrections. Both the Work Group and the Advisory Group reviewed and agreed to the mission developed by CCD staff. The group then discussed the goals of providing alternatives to incarceration in King County. This discussion indicated the need for the development of and consensus acceptance of goals and guiding principles in the use of alternatives.

At its meeting on February 14, 2008, the AJOMP Advisory Group agreed to the mission for the Community Corrections Division and to the goals and guiding principles for alternative sanctions in King County that are provided in Table 2 below.

**Table 2 – CCD Mission, Goals & Guiding Principles**

<p><u>CCD Mission:</u> <i>The Community Corrections Division (a division of the Department of Adult &amp; Juvenile Detention) provides the court system as well as the offender with pre-trial and sentenced alternatives to secure confinement aimed at reducing the jail population, decreasing the offender's failure to appear rate, increasing the offender's accountability, and reducing the offender's rate of re-offense.</i></p> <p><u>Goals of Community Corrections/Alternatives to Incarceration:</u></p> <ul style="list-style-type: none"><li>• Provide targeted and integrated community corrections programming that is well-understood by criminal justice agencies.</li><li>• Decrease offenders' involvement in the Criminal Justice System, through:<ul style="list-style-type: none"><li>○ Fewer bench warrants resulting from either failure to appear (FTA) or failure to comply (FTC);</li><li>○ Improved accountability to court process and conditions of release;</li><li>○ Reduction in the rate and severity of re-offense.</li></ul></li><li>• Decrease jail usage and slow the rate of jail and criminal justice expenditures.</li><li>• Support offenders in reintegrating into the community through the provision of therapeutic and education programs within the continuum of alternative sanctions.</li></ul> <p><u>Guiding Principles for the Use of Community Corrections/Alternatives to Incarceration:</u></p> <ul style="list-style-type: none"><li>• Provide cost-effective programs.</li><li>• Provide community corrections alternatives to secure detention in the least restrictive environment without compromising public safety.</li><li>• Provide programs that are proven effective and/or reflective of promising practices;</li><li>• Improve the quality of life of offenders by providing linkages to ongoing treatment and services in the community following discharge from alternatives.</li><li>• Support offenders to make positive behavior change.</li></ul>
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## **Continuum of Sanctions in King County**

Table 3 below provides a graphic representation of the continuum of sanctions in King County. The Work Group used this as a framework for better understanding the degree of restriction of each of the alternatives, as well as to see how the varying alternatives relate to one another.

The Work Group also attempted to identify success criteria for CCD alternatives. This was done via a literature review and discussions with CCD program staff. It was difficult to identify specific criteria for each program that contribute to an individual client's success. However, the literature was very clear regarding what contributes to overall success of alternative sanctions, as measured by recidivism rates.

In general, a review of the literature clearly indicates that the most effective alternatives link surveillance with treatment programs of some sort. Most importantly, the literature indicates that the most effective alternatives appropriately match offender risks and needs with programs. Offenders who are low-risk for re-offense require minimal programming, while those deemed high-risk for re-offense benefit from increased programming. For high-risk offenders, more intense and longer lasting interventions are more effective. The literature also indicates that effective programs incorporate incentives for compliance and consequences for non-compliance and inappropriate behavior. Holding people accountable improves overall program success.

In the future, once CCD has an improved data system and an evaluation plan in place specific factors or criteria that contribute to an individual's success in an alternative will be able to be more easily identified. The recommendations for further exploration in this report specifically address possible changes that will improve the overall success of alternatives to incarceration in King County.

Table 3 - Continuum of Sanctions in King County

Most Restrictive Sanctions

Least Restrictive Sanctions

Total Confinement	Partial Confinement/ Conditions of Conduct	Participation/Conditions of Conduct	Participation
<div data-bbox="349 1575 446 2016" style="border: 1px solid black; padding: 5px; text-align: center;">                     Detention KCCF/RJC                 </div>	<div data-bbox="430 1239 511 1533" style="border: 1px solid black; padding: 5px; text-align: center; margin-bottom: 10px;">                     WER                 </div> <div data-bbox="527 1144 609 1438" style="border: 1px solid black; padding: 5px; text-align: center; margin-bottom: 10px;">                     EHD Enhanced                 </div> <div data-bbox="625 1071 706 1365" style="border: 1px solid black; padding: 5px; text-align: center;">                     EHD Basic                 </div>	<div data-bbox="706 745 803 1039" style="border: 1px solid black; padding: 5px; text-align: center; margin-bottom: 10px;">                     CCAP Enhanced                 </div> <div data-bbox="820 577 901 871" style="border: 1px solid black; padding: 5px; text-align: center;">                     CCAP Basic                 </div>	<div data-bbox="868 241 950 535" style="border: 1px solid black; padding: 5px; text-align: center; margin-bottom: 10px;">                     Work Crew                 </div> <div data-bbox="966 73 1047 367" style="border: 1px solid black; padding: 5px; text-align: center;">                     Helping Hands                 </div>

**Use of alternative sanctions for felonies is directed by state law RCW 9.94A.680 which states:**

Alternatives to total confinement are available for offenders with sentences of one year or less. These alternatives include the following sentence conditions that the court may order as substitutes for total confinement:

- (1) One day of partial confinement may be substituted for one day of total confinement;
- (2) In addition, for offenders convicted of nonviolent offenses only, eight hours of community restitution may be substituted for one day of total confinement, with a maximum conversion limit of two hundred forty hours or thirty days. Community restitution hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department; and
- (3) For offenders convicted of nonviolent and non-sex offenses, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.607.

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons in writing on the judgment and sentence form if the alternatives are not used.

**Table 4 - CCD Alternatives Overview**

<u><b>Program Description:</b></u>	<u><b>Program Details:</b></u>
<p><b>Detention – King County Correctional Facility (KCCF) / Maleng Regional Justice Center (RJC)</b> Secure detention facilities housing pre-trial defendants and sentenced offenders. KCCF is in downtown Seattle and the RJC is in Kent.</p>	<p><b>Capacity:</b> 3039, 2008 target 2584 Average Daily Population (ADP) <b>2007 ADP:</b> 2465* <b>Population:</b> Pre-trial &amp; sentenced <b>Limitations:</b> None <b>Pre-trial Credit for Time Served:</b> Yes, detainees may also receive "good time" credit</p>
<p><b>Work Education Release (WER)</b> Partial custody program which allows inmates to go to work, school, or treatment during the day/evening and return to the secure WER facility at night. Participants must remain drug and alcohol free, urinalysis (UA) is conducted as required.</p>	<p><b>Capacity:</b> 2008 target 162 ADP <b>2007 ADP:</b> 146* <b>Population:</b> Pre-trial &amp; sentenced <b>Limitations:</b> Physical space <b>Pre-trial Credit for Time Served:</b> Yes, participants may also receive "good time" credit <b>Violations:</b> return to secure confinement</p>
<p><b>Electronic Home Detention (EHD) – Basic &amp; Enhanced</b> Partial custody program using an electronic monitoring system that restricts participants to their home, except to go to work, school, treatment or court hearings. Participants wear and are monitored by an electronic bracelet. UA is conducted as ordered by the court. <b>BASIC:</b> Employment or enrollment in school is verified at admission. <b>ENHANCED:</b> Employment or enrollment in school is verified at admission and attendance is monitored and verified.</p>	<p><b>Capacity:</b> 2008 target 110 ADP (basic + enhanced) <b>2007 ADP:</b> 115 (basic + enhanced)* <b>Population:</b> Pre-trial &amp; sentenced (enhanced), pre-trial only (basic) <b>Limitations:</b> As set forth in RCW 9.94A.734 <b>Pre-trial Credit for Time Served:</b> Yes, participants in EHD enhanced may also get "good time" credit <b>Violations:</b> return to secure confinement</p>
<p><b>Community Center for Alternative Programs (CCAP) – Basic &amp; Enhanced</b> <b>BASIC:</b> Non-custody program that requires the participant to phone his/her status in daily. Some are required to do twice monthly random UA, as ordered by the court. <b>ENHANCED:</b> Non-custody day reporting program in downtown Seattle that requires the participant to attend a daily itinerary of classes and treatment. Participants are monitored for random UA as ordered by the court. All treatment is supplied via contract.</p>	<p><b>Capacity:</b> 2008 target 99 Average Daily Enrollment (ADE) (basic + enhanced) <b>2007 ADE:</b> 187 (basic + enhanced)* <b>Population:</b> Pre-trial &amp; sentenced (enhanced), pre-trial only (basic) <b>Limitations:</b> Staffing/space/geographic, CCAP basic is available to Superior Court only <b>Pre-trial Credit for Time Served:</b> No <b>Violations:</b> Superior Court - return to secure confinement, District Court - notification to court</p>



<p><b>Community Work Program (CWP)</b>  Non-custody program that requires persons to perform manual labor such as noxious weed removal, street cleaning and landscaping under CCD supervision and as ordered by the court.</p>	<p><b>Capacity:</b> 2008 target 185 ADE**  <b>2007 ADE:</b> 358*  <b>Population:</b> Sentenced misdemeanor offenders and court involved individuals needing to pay off fines  <b>Limitations:</b> Staffing/space/geographic, available to District Court only, sex offenders may not participate  <b>Pre-trial Credit for Time Served:</b> NA – option for sentenced offenders only  <b>Violations:</b> Possible termination and sanctions at the discretion of sentencing judge</p>
<p><b>Helping Hands Program (HHP)</b>  Non-custody program that matches persons sentenced to community service hours to groups that need volunteer labor. Person is seen once for orientation and initial placement and for follow-up meetings as required. Generally, participants have up to two years to complete their assigned community service hours. Completed and non-completed hours are reported to the court.</p>	<p><b>Capacity:</b> a target was not specified in the 2008 budget  <b>Population:</b> Sentenced offenders assigned to community service and not under DOC supervision  <b>Limitations:</b> Staffing/space/geographic, available to Superior Court only  <b>Pre-trial Credit for Time Served:</b> No – option for sentenced offenders only  <b>Violations:</b> notification to sentencing court</p>

\*Data source: DAJD Detention and Alternatives Report, December 2007

\*\* ADE for Community Work Program does not reflect daily participation in this alternative. Daily participation, called average daily workload, was 37 in 2007.

## Identification of Changes for Further Exploration

The AJOMP Advisory Group reviewed the current use of community corrections alternatives to evaluate whether changes in screening, processing, sentencing or monitoring compliance could lead to better utilization of existing community corrections program capacity. This review included participation and collaboration across the criminal justice system – the discussions were productive and energizing. They led to the identification of a series of options that need further exploration. The group identified three key areas for further review that may improve the use of community corrections alternatives. These areas are:

- Structure of existing programs within the Community Corrections Division.
- Capacity and geographic location of the community corrections programs and alternatives.
- New models/practices.

Each of these areas is discussed below in more detail and with specific examples of what should be considered and explored further. All of these ideas require further discussion

and additional analysis before a determination can be made as to whether or not they should be implemented. This analysis will need to include a review of any associated costs with making the change. This process also identified three needs that can be addressed immediately. They are also discussed below.

The final section of this report includes next steps and a work plan for moving forward with exploring these options and making decisions for implementation.

### **Explore changes to the existing programs and structure of DAJD's Community Corrections Division**

(Note: the Community Corrections Division provides alternatives to incarceration and within those alternatives a series of programs. CCD does not provide any housing or treatment. Both housing and treatment services are provided via contract by community based agencies. Any discussion of treatment below assumes that the services would be part of an expanded contract with a community treatment provider.)

- Improve CCAP Basic to include more frequent urinalysis monitoring – CCAP Basic was created in order to remind clients of their upcoming court dates. Feedback from judges indicates that the primary reason for sending pre-trial inmates to CCAP Basic is for random urinalysis (UA) to ensure compliance with conditions of release from custody. Some judges would like to be able to order random UA more frequently than the current twice monthly standard of the program. Further consideration of this recommendation needs to review associated costs of staffing and laboratory expenses as well as the physical space needed to conduct UA. King County's Mental Illness and Drug Dependency Action Plan strategy #12d includes funding for additional UA in community corrections.
- Consider contracting for a domestic violence treatment module in CCAP – Currently, CCAP includes domestic violence (DV) education for program participants. Individuals with a DV conviction must, by statute, participate in "batterers treatment." While CCD is not required to provide batterers treatment, including it in the programming available via CCAP may help offenders comply with this requirement of their sentencing. Further consideration of contracting for DV treatment in CCAP should assess both the benefits of batterers treatment and it into the existing programs, include review of best/promising practices, weigh any public safety implications, review the feasibility of transitioning treatment to community resources when the offender's sentence is completed and determine costs associated with this program change. Moving forward with this recommendation should include seeking input from the King County Domestic Violence Council and reviewing funding priorities for the coming years.
- Add therapeutic programming, via a contract provider, in all alternatives – With minor exceptions, CCAP is the only community corrections alternative that includes therapeutic programming, which is provided by a contract service provider. Best practice research indicates that cognitive behavioral therapy targeting crime producing behavior is effective in decreasing failure to appear/comply violations as

well as recidivism of defendants/offenders placed in alternative sanctions. Individuals in Work and Education Release, Electronic Home Detention, and/or Community Work Program (CWP) would benefit from therapeutic programs. Provision of therapeutic programs should be coordinated with conducting needs assessments (discussed below). To the extent therapeutic programming includes mental health and substance abuse treatment, this presents a potential opportunity for coordination with King County's Mental Illness and Drug Dependency Action Plan.

- Add breath alcohol testing and monitoring in EHD – EHD does not include any sort of GPS tracking system or breath alcohol testing and monitoring if an individual has a DUI charge. As a result, this alternative is not typically used for individuals with DUI charges. Other jurisdictions conduct breath alcohol monitoring for EHD participants. Further review of this should evaluate the pros, cons, cost and risk management implications of making changes in technology used in EHD.
- Expand housing options for EHD and CCAP participants – There are individuals appropriate for EHD, but they do not have the necessary housing or land phone line. People without stable housing have difficulty maintaining schedules and complying with requirements that they be in a specific place at a specific time. Coupling CCD placement with placement in supportive housing, via a contractual or referral arrangement, may improve compliance, allow greater access to mental health and chemical dependency treatment, and decrease recidivism over time. Exploration of this option should be coordinated with the Criminal Justice Initiative and the Mental Illness and Drug Dependency Action Plan.
- Improve CCD data collection and evaluation – A thorough review of community corrections alternatives and programs is hindered by the fact that data is not readily available or easily accessible in a single system. CCD is currently developing requirements and an RFP for a single case management system for all alternatives and programs. Funding has not been allocated for next steps - software purchase and implementation – for a new case management system for CCD. If a new system is implemented, it would ideally have an evaluation plan in place so that the data can be collected immediately. Formal evaluation of CCD programs and alternatives would inform future program decisions. Exploration of developing an evaluation plan to be implemented in conjunction with the new data system should include review of performance measurement and indicators of success. Additionally, it should include the ability to match data with other systems.

#### **Explore changes to the capacity of the Community Corrections Division programs and alternatives**

- Provide CCAP, WER, and CWP in South King County – Given that these alternatives are located in Downtown Seattle, it can be difficult for individuals residing in South King County to participate in them. If CCD alternatives were available in closer proximity to where individuals live, more RJC judges may use them. Exploration of this option requires working with Facilities Management Division (FMD) and the Office of Management and Budget (OMB) in the broader consideration of space

needs, program site, funding availability and possible community resistance to these types of program. An assessment needs to be done regarding accessibility by bus/train from various parts of the county to determine the best location. This exploration also needs to consider the importance of matching criminal justice resources at RJC and Downtown.

- Consider making CCD alternatives and programs available to cities that contract with the jail – If use of alternatives were made available, recovering appropriate costs, to other jurisdictions, it may free up secure jail beds and ultimately result in resource savings. Consideration of this option would need to be done in conjunction with consideration of location and timing for general CCD expansion, development of a cost model and in conjunction with the next jail contract re-opener.
- Expand CWP to serve felons sentenced in Superior Court – In order for felons to participate in CWP, state law requires abstinence from alcohol and controlled substances as demonstrated by urinalysis and breath alcohol monitoring. King County currently does not have this capability for its CWP and thus it only serves misdemeanants. Further exploration should weigh costs and benefits of adding UA and breath alcohol monitoring to CWP, review public safety issues, and meeting the other requirements laid out in RCW 9.94A.725, *Offender Work Crews*, so the program can accept defendants serving a felony sentence.

#### **Explore the implementation of new models/practices within CCD**

- Explore the implementation of validated risk and needs assessment screening tools – The purpose of implementing a risk assessment screening tool is to guide placement decisions. On the one hand, the tool may be helpful in identifying low-risk individuals who would be good candidates for pre-trial release or alternative sanctions. Conversely, it may also help identify higher risk individuals who should remain in custody.

Risk assessment screening tools use objective criteria and actuarial calculations to assess static and dynamic risk factors for offender recidivism. Static risk factors include those that won't change, such as criminal history. Dynamic risk factors, such as drug dependence, may change over time and through treatment or intervention. Risk classification tools are typically based on identified principles that guide the offender assessment and classification process. Most well known is *the risk principle which states that the intensity of services and supervision should be matched to the level of offender risk* (Lowenkamp and Latessa 2004). Typically, risk assessment tools are administered in conjunction with a needs assessment tool to identify crime producing behavior and service needs that should be targeted for intervention.

The resulting information could be used to determine and justify offender placement, service needs, and supervision levels. A well-designed screening instrument will ensure that detention, alternatives, and probation/community supervision are used appropriately based on the risks posed by individual offenders. Programs and interventions could then be targeted commensurate with the determined risk level of

the offender. Studies show that higher risk offenders should receive more attention and services than those deemed lower risk for recidivism. For lower risk offenders, decreased recidivism is best achieved by minimizing their contact with offenders at higher risk for recidivism and avoiding disruption of contact with employment or education programs, positive family and community relationships and other protective factors.

The completed assessment is then made available to guide judicial decision-making. The information obtained through the administration of risk and needs assessment tools can inform a system of graduated sanctions (discussed below) and can determine offender needs in the assignment of therapeutic programming. An ideal outcome of the use of validated risk assessment tools is that the judicial process is consistent and fair with similar decisions made for similarly situated offenders.

It should be noted that through CCD's Intake Services Unit, detainees that meet pre-determined criteria are interviewed for possible pre-trial release. Information obtained from the interview, along with criminal history information, is provided to the courts at the first appearance and arraignment hearings to help inform judicial decision-making.

If King County determines that the current interview/screening process should be replaced with a validated risk assessment tool, implementation planning will need to include a decision as to where in the adjudication process the risk assessment tool should be conducted. The Washington State Department of Corrections is in the process of implementing a custom static risk assessment tool created for them by the Washington State Institute for Public Policy. King County may be able to use this tool. Follow-up work would need to understand associated costs and whether or not the tool would need to be specifically validated to King County's population.

When an individual is sent or sentenced to CCAP, staff conduct a needs assessment that is used to place people in appropriate programs within the alternative assigned by the judge. Further exploration of this should determine when a needs assessment should be conducted, if that information should be provided to the courts to inform judicial decision-making, and how to coordinate timing so that both risk and needs assessment data is used for maximum benefit.

The King County Sheriff's Office and Juvenile Court Services currently use risk assessment tools and these agencies may provide useful advice as this recommendation is explored further. We also have approached a local expert on validated risk assessment tools and he has agreed to meet with a group from King County to brainstorm issues and next steps. This concept needs to be explored in coordination with the Prosecuting Attorney's Office Civil Division and King County Risk Management. Feasibility of this approach will also depend on whether the cost to implement is worth the expected benefits and savings.

- Explore the implementation of a system of graduated sanctions - In a system of graduated sanctions, incremental responses to both compliant and non-compliant

behavior are employed. The intent is to make immediate, but modest restrictions on a non-compliant individual so as to deter future non-compliant behavior. For example, an offender sentenced to CCAP who is non-compliant might be required to report more frequently or be assigned to electronic home monitoring for a few days as punishment for the violation. The graduated sanction is imposed before revocation is considered. Individuals who are successfully completing program requirements may advance to a less restrictive sanction, based on pre-agreed upon criteria, as a reward for their compliance.

Under the current system in King County, pre-trial defendants and sentenced offenders are assigned to one or more specific sanctions by a judge. A court order assigns the individual to the sanction and a separate Conditions of Conduct order establishes compliance expectations. CCD staff report violations of the Conditions of Conduct order to the court and these violations may result in the violator being remanded back into secure custody.

Employing a system of graduated sanctions in King County would maintain judicial authority and decision-making. However, it would change how violations are handled. Further exploration of this option would require substantial discussion and negotiation with the courts, prosecutors, and public defense bar to develop agreed-upon processes that manage risk, ensure the decision-making rests with the appropriate authority, and uses graduated sanctions to expand resources and capacity within the existing community corrections and secure detention structure. These discussions would need to explore options for decision-making in a way that was acceptable to judges as well as prosecutors and defense attorneys. And consideration should include what structure needs to be in place to maximize the opportunity of graduated sanctions. This might involve developing new administrative orders, establishing specialty courts or some other system to ensure that appropriate judicial authority is maintained and that clear direction is provided to program staff. This review will also need to examine the current differences in practices and response to violations between District and Superior Courts.

Based on preliminary research and discussion, the AJOMP Advisory Group has agreed that the above options should be explored further. Further consideration of each of the changes presented above will include additional research and information and answering specific questions and may include data gathering, expert consultation, conducting cost/benefit analysis, and review by the King County Risk Management and the Prosecuting Attorney's Office Civil Division.

### **Recommendations for Immediate Implementation**

The following three recommendations respond to immediate needs identified through the CCD review. None of them require further exploration and the AJOMP Advisory Group has agreed to all three recommendations.

- Amend King County Code to be consistent with RCW 9.94A.680 “Alternatives to Incarceration” – The CCD review revealed a need to change King County code regarding the Community Corrections Division so that the language is consistent with RCW 9.94A.680 *Alternatives to Total Confinement*, a state law which directs counties to make alternative sanctions available for felony sentences of one year or less. The RCW states: “For offenders convicted of nonviolent and non-sex offenses, the court may authorize county jails to convert jail confinement to an available county supervised community option and may require the offender to perform affirmative conduct pursuant to RCW 9.94A.607.” King County Code should incorporate language to make explicit that CCAP is a “county supervised community option.” This language confirms that for offenders convicted of nonviolent and non-sex offenses, the use of this alternative, in lieu of jail confinement, may be used for felony sentences of one-year or less.
- Provide improved criminal justice system education regarding community corrections alternatives – Throughout the course of developing this report, it became clear that there is a varied and inconsistent understanding of community corrections alternatives. As a result, some alternatives may be under utilized and/or used inappropriately. Although training is currently provided, it needs to be done more frequently, coincide with judicial rotations, and given to all parts of the criminal justice system. There is also a need to develop a variety of education materials, including an easily referenced desk top tool (paper and web-based), so that all criminal justice system partners are well informed about CCD and alternative options.
- Eliminate EHD Basic – This program is not well understood by the criminal justice system which may result in inappropriate assignments to this program. EHD Basic was initially set up as a system for decreasing failure to appear for those being released from secure custody. There is initial verification of employment, but location is not verified when the individual is “out of home” which raises the question as to the purpose that it serves. As this alternative is currently structured, it was not intended as a sanction as evidenced by the fact that there are no consequences for violations. In spite of this limited accountability, pre-trial defendants in EHD Basic receive credit for time served.

A revised ordinance will be drafted and transmitted soon after the transmittal of this report. Next steps for improved criminal justice system education include the development of immediate and ongoing education plans as associated materials. Finally, regarding the recommendation to eliminate EHD Basic, committee members feel strongly that this sanction is not well understood, nor is it used appropriately and doesn’t serve the county’s goals in providing alternative sanctions. Implementation of this recommendation would require notification of criminal justice system partners and minor administrative changes within CCD. All three of these recommendations have minimal staff time and cost implications for King County.

## Next Steps Plan

The following work plan identifies some high-level next steps for implementing the three recommendations outlined in this report and for conducting the additional analysis needed to fully evaluate the changes recommended for further exploration. This process will be co-staffed by the Office of Management and Budget and the Community Corrections Division and will continue to be guided and advised by the AJOMP Advisory Group. It is likely that one or more expert consultants will need to be hired for executing these work plan steps. In addition, this work may also be informed by the work of the Justice Management Institute (JMI), which has been hired by Superior Court to review the existing criminal case flow system. The JMI consultants will also conduct a national innovations review and provide recommendations based on this review and on their analysis of King County's existing system. These recommendations will likely provide guidance as this work plan is executed.

	<b>Work Plan Task/Steps</b>	<b>Schedule Estimate</b>
Implement Recommendations	Amend King County Code to be consistent with RCW 9.94A.680 "Alternatives to Incarceration"	May 2008
	Implement Criminal Justice System Education <ul style="list-style-type: none"> <li>• Develop revised training curriculum</li> <li>• Review of curriculum by CCD staff and AJOMP Work Group</li> <li>• Deliver training to necessary CJ agencies</li> <li>• Develop plan for on-going CJ system training</li> </ul>	4 <sup>th</sup> Quarter 2008
	Implement the Elimination of EHD Basic <ul style="list-style-type: none"> <li>• Determine the necessary communication and administrative changes</li> <li>• Communicate with courts and CCD staff</li> <li>• Implement change</li> </ul>	3 <sup>rd</sup> Quarter 2008
Explore Recommendations for Possible Changes to CCD	AJOMP Advisory Group Prioritization of Recommendations for further review <ul style="list-style-type: none"> <li>• Determine those recommendations that can be implemented quickly and at no or low cost</li> <li>• Determine which recommendations require additional data and/or expert consultation</li> <li>• Prioritize recommendations for further exploration</li> </ul>	3 <sup>rd</sup> Quarter 2008
	Develop Detailed Next Steps Plan Based on Prioritization <ul style="list-style-type: none"> <li>• Determine resources needed for consultation and work plan execution</li> </ul>	4 <sup>th</sup> Quarter 2008
	Conduct Analysis/Exploration <ul style="list-style-type: none"> <li>• Hire consultants as necessary</li> <li>• Communicate with criminal justice system partners</li> <li>• Negotiation as needed with courts regarding any proposed changes</li> </ul>	2 <sup>nd</sup> Quarter 2009
	Make final recommendations for changes and develop implementation plan	2 <sup>nd</sup> Quarter 2009



## **Attachment 1 - AJOMP Proviso Advisory Group Members**

- Bob Cowan, Director, Office of Management & Budget
- Nate Caldwell, Community Corrections Division Director, Department of Adult & Juvenile Detention
- Clifton Curry, Senior Principal Legislative Analyst, Metropolitan King County Council
- Tricia Crozier, Chief Administrative Office, King County District Court
- Robin Fenton, Field Operations Chief, King County Sheriff's Office
- Michael Gedeon, Senior Policy Analyst, Executive Office of Management and Budget
- The Honorable Helen Halpert, Assistant Presiding Judge, King County Superior Court
- The Honorable Bruce Hilyer, Presiding Judge, King County Superior Court
- David Hocraffer, King County Public Defender
- Reed Holtgeerts, Director, Department of Adult & Juvenile Detention
- Mary Jane Ferguson, Program Analyst, Office of the Public Defender
- Mark Larson, Chief Criminal Prosecutor, Office of the Prosecuting Attorney
- The Honorable Barbara Linde, Presiding Judge, King County District Court
- Jackie MacLean, Director, Department of Community and Human Services
- Leesa Manion, Chief of Staff, Office of the Prosecuting Attorney
- Barb Miner, Clerk of the Court and Director, Department of Judicial Administration
- The Honorable Sue Rahr, King County Sheriff
- Toni Rezab, Chief Administrative Officer, Department of Adult & Juvenile Detention
- The Honorable Daniel Satterberg, King County Prosecuting Attorney
- Paul Sherfey, Chief Administrative Officer, King County Superior Court
- Amnon Shoenfeld, Mental Health Chemical Abuse & Dependency Services Division Director, Department of Community and Human Services
- The Honorable Linda Thompson, Assistant Presiding Judge, King County District Court

### **Advisory Group Staff:**

- Jeannie Macnab, Senior Policy Analyst, Office of Management & Budget

## **Attachment 2 – AJOMP Work Group Members**

- Nate Caldwell, Community Corrections Division Director, Department of Adult & Juvenile Detention
- Clifton Curry, Senior Principal Legislative Analyst, Metropolitan King County Council
- Michael Gedeon, Senior Policy Analyst, Executive Office of Management and Budget
- The Honorable Helen Halpert, Assistant Presiding Judge, King County Superior Court
- Mary Jane Ferguson, Program Analyst, Office of the Public Defender
- Mark Larson, Chief Criminal Prosecutor, Office of the Prosecuting Attorney
- Jeannie Macnab, Senior Policy Analyst, Executive Office of Management and Budget
- Barb Miner, Clerk of the Court and Director, Department of Judicial Administration
- Toni Rezab, Chief Administrative Officer, Department of Adult & Juvenile Detention
- The Honorable Linda Thompson, Assistant Presiding Judge, King County District Court