



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 17, 2013

Motion 14035

Proposed No. 2013-0501.1

Sponsors Lambert

1 A MOTION acknowledging receipt of a report required by
2 2013 Budget Ordinance, Ordinance 17476, Section 30,
3 Proviso P1.

4 WHEREAS, the 2013 Budget Ordinance, Ordinance 17476, Section 30, Proviso
5 P1, provided that \$250,000 of the appropriation to the prosecuting attorney shall not be
6 encumbered or expended until the prosecuting attorney filed with the clerk of the council
7 a report by August 1, 2013, and the council passed a motion acknowledging receipt of the
8 report, and

9 WHEREAS, the proviso required the report: to identify new strategies that can be
10 implemented by the prosecuting attorney's office to achieve efficiencies in the criminal
11 justice system in 2013 and 2014, including efficiencies and cost savings associated with
12 the implementation of the new PROMIS case management system; to identify for each
13 strategy the potential cost savings, resources needed for implementation, any barriers to
14 implementation, risks and benefits; and to include a discussion of potential services that
15 could be offered to other municipalities on a contractual basis, and

16 WHEREAS, the prosecuting attorney has filed a report that is responsive to the
17 proviso;

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

19 Receipt of the report transmitted by the prosecuting attorney in response to the
20 2013 Budget Ordinance, Ordinance 17476, Section 30, Proviso P1, which report is
21 Attachment A to this motion, is hereby acknowledged.
22

Motion 14035 was introduced on 12/2/2013 and passed by the Metropolitan King
County Council on 12/16/2013, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson,
Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr. Dembowski
No: 0
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. PAO 2013 Proviso Report, dated August 1, 2013



**King County Prosecuting Attorney's Office
2013 Proviso Report
August 1, 2013**

This report by the PAO identifies proposed strategies which generate or may generate efficiencies or cost savings in the criminal justice system, as required by the 2013 Adopted Budget, Ordinance 17476, Section 30, Proviso P1.

A. Proviso Language

Of this appropriation, \$250,000 shall not be encumbered or expended until the prosecuting attorney filed a report and motion that acknowledges receipt of the report and the motion is passed by the council. The motion shall reference the proviso's ordinance, ordinance section, proviso number and subject matter in the title and body of the motion.

The prosecuting attorney must file the report by August 1, 2013, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff to the budget and fiscal management committee or its successor.

The report shall identify new strategies that can be implemented by the prosecuting attorney's office to achieve efficiencies in the criminal justice system in 2013 and 2014, including efficiencies and cost savings associated with the implementation of the new PROMIS case management system. The report shall identify for each strategy the potential cost savings, resources needed for implementation, any barriers to implementation, risks and benefits, and shall include a discussion of potential services that could be offered to other municipalities on a contractual basis.

B. PAO Policy Initiatives Generate Ongoing Annual Savings to the General Fund.

Keeping people out of the criminal justice system is an effective way to reduce the size and cost of the criminal justice system and to provide greater benefit to the community. In recent years, the PAO has implemented policies designed to divert individuals out of the criminal justice system pre-arrest and pre-filing. These policies fall solely within the PAO's discretion, and have resulted in significant direct savings to other parts of the criminal justice system. The savings are ongoing and benefit the General Fund on an annual basis:

- PAO Filing Standard Changes -- \$3.3 million annual savings
- Truancy Dropout Prevention Program -- \$590,000 annual savings
- 180 Program -- \$290,000 annual savings
- LEAD -- \$179,450 annual savings

1. Changes to the PAO's filing standards continue to generate savings to the General Fund.

In October of 2008, the PAO made significant changes to its felony filing standards that have contributed to a remarkable decrease in the number of felony filings. As a result of changes to its filing standards, the PAO is filing approximately 270 fewer felonies each *month*. These changes have generated, and continue to generate, at least \$3.3 million in savings to the County's General Fund each year, especially with regard to public defense and jail costs¹.

2. The PAO's truancy and dropout prevention program continues to generate savings to the General Fund.

The PAO's truancy prevention program diverts youth away from the court system and into school and community-based workshops that offer important programs and interventions designed to reengage the youth in educational programs.

During the 2012-2013 school year, school representatives filed 1,355 petitions (up 100 from 2011-2012). Of those, only 394 proceeded to initial hearing, where there is no longer a right to counsel. The remainder were dismissed, thereby saving the court's time and resources. Of the 394 petitions that proceeded to hearing, only 81 were scheduled for a contempt hearing, resulting in significant savings in public defense costs².

3. The PAO's 180 Program saves money and positively impacts high-risk youth.

Diverting \$350,000 youth out of the juvenile court system results in a corresponding savings of \$472,500 in public defense costs³. This figure does not calculate additional detention and court savings from keeping these youth out of our criminal justice system. Nor does this figure calculate the immeasurable costs avoided include avoiding the youth's own self-image as a criminal, in handcuffs, in a police car, and booked into detention. Even taking into account the PAO's 2014 budget request for \$250,000 to continue this successful program, the 180 Program saves the County an estimated \$290,000 a year.

4. LEAD has, and will continue to, generate new system savings.

The PAO, working in partnership with the Seattle Police Department and The Defender Association, launched the LEAD (Law Enforcement Assisted Diversion) program, which was first piloted in Belltown and was recently expanded to Skyway. LEAD is a pre-arrest diversion program that allows law enforcement, including Sheriff's deputies in Skyway, to direct people with substance abuse issues to treatment rather than jail.

¹ Average number of felony filings for 2007 and 2008 is 9,717 (10,767 for 2007, 8667 for 2008). 9,717 minus 5,986 (2011 felony filings) equals a reduction of 3,731 felony filings. The drop of 310 fewer felonies each month results in a corresponding savings of nearly \$279,000 in public defense costs *each month*. OPD pays \$1,350 for each felony case credit, and \$450 for each misdemeanor case credit. $310 \times \$900$ (net savings) = \$279,000 (monthly savings) $\times 12 = \$3.3$ million annual savings.

² During the 2012-2013 school year, 1,355 truancy petitions were filed, but only 81 have proceeded to the contempt phase, when public defense costs are incurred. The remaining petitions have been dismissed without hearing, resulting in a conservative estimated savings of \$590,000 in public defense costs. Based on the letter OPD sends to families in an effort to recoup public defense costs for truancy, it appears that public defense costs total \$990.99 per truancy case. Conservatively assuming that half of the filed petitions would have eventually reached the contempt phase without the PAO's invention, 677 contempt hearings would have cost the County \$598,000.

677 potential contempt hearings minus 81 actual contempt hearings = $596 \times \$990$ (public defense costs) = \$590,040.

³ $350 \times \$1,350$ (average case credit cost) = \$472,500.

As of July of 2013, 134 participants have been referred to LEAD with a total number of 97 arrest diversions and 37 social contact referrals. These 97 diverted cases represent an estimated corresponding savings of at least \$179,450 in jail and public defense costs⁴. This estimate is conservative, particularly considering that many of the 41 participants were previous repeat offenders who cycled in and out of jail and the criminal justice system.

Prior to launching LEAD, SPD conducted an informal study which showed that 54 individuals most frequently contacted by officers patrolling the Belltown neighborhood had been collectively arrested 2,704 times. 2,704 avoided arrests represent a whopping \$1.4 million in jail savings⁵.

LEAD currently has the capacity to serve 200 participants, and has recently expanded to the Skyway neighborhood of unincorporated King County. Looking forward 2014, Mayor McGinn has proposed a \$1.5 million dollar investment in LEAD to potentially expand the program to include all areas patrolled by the Seattle Police Department's West Precinct (not just Belltown). This expansion would increase the program capacity enough to serve an additional 200-300 participants, for a total of 400-500. The PAO will have primary responsibility in implementing the prosecution protocols in the expanded LEAD zone.

C. Potential future criminal justice efficiencies have been identified for 2014 and beyond.

For many years, King County's criminal justice agencies have worked together to create an efficient and effective criminal justice system, where criminal cases are investigated, reviewed, filed and resolved without significant delay, and to develop a system that also offered critical linkages to human services through innovative programs such as Drug Court and Mental Health Court.

For this report, the PAO has been asked to identify strategies that it can implement in 2014 in an effort to reduce costs. However, the success of any potential strategy is dependent upon the participation and coordination of all criminal justice agencies. The PAO is but one key stakeholder within the criminal justice system.

Accordingly, the PAO was part of a broader discussion relating to a proviso effort that identified more than 40 potential efficiencies throughout the criminal justice system. As part of this broader effort, the PAO identified a number of potential strategies which were included in a final Criminal Justice Proviso Report. The PAO self-identified as the "lead agency" in some of the identified strategies. In other instances, the PAO identified the potential strategy, but may not be in the best position to serve as the lead agency. The PAO's identified strategies appear below.

⁴ The jail booking fee is \$288. $97 \times \$288 = \$27,936$. The general inmate daily rate is \$106. $97 \times \$212$ (assuming only two days in jail per case) = **\$20,564**. An OPD felony case credit is \$1,350. $97 \times \$1,350 = \$130,950$. Combined savings = **\$179,450**. (Average savings per participant = \$1,850)

⁵ The jail booking fee is \$288. $2,704 \times \$288 = \$778,752$. The general inmate daily rate is \$106. $2,704 \times \$212$ (assuming only two days in jail per case) = **\$573,248**. Combined savings = **\$1,352,000**.

1. Addressing Collateral Consequences May Generate Long-Term Savings.

Individuals who have been convicted of a crime often face long-lasting and sometimes unintended collateral consequences as a result of their criminal conviction. Criminal history is often a barrier to employment, housing, and other opportunities, and unpaid legal financial obligations, lack of a valid driver's license, and outstanding warrants may present additional legal obstacles for many who have served their criminal sentence, but continued to be challenged by these types of barriers.

Finding a systematic way to address these issues, even as a potential pilot project, may help many avoid returning to the criminal justice system by reducing barriers and creating more opportunities

Lead Agency: PAO

Affected Agencies: All County criminal justice agencies & municipal courts and law enforcement

Metrics:

- # of individuals in the program
- # of services provided, by type
- # of re-arrests for program participants

Potential Risks & Barriers: Local and State partners will need to buy into the project and support its implementation. Funding for the program has not been identified and an up-front and ongoing investment in staff will be needed.

Potential Benefits: Arrest and detention rates of participants may be reduced if people are able to utilize services and find a solid footing in the community. Evaluation will be needed to assess outcomes of the program.

Alignment with Best Practices: Inspired by a recognized program in Portland.

ESJ Impact: Given the disproportionality in the criminal justice system, taking away a barrier to successful reentry would benefit poor and minority communities.

Costs to Implement: Start-up and ongoing TBD Potential Savings: TBD

Status: The PAO is in the early planning phase of a potential pilot project.

2. Potential Expansion of LEAD to All of West Precinct

LEAD has the capacity to serve 200 participants, and has recently expanded to the Skyway neighborhood of unincorporated King County. Mayor McGinn has proposed a potential 2014 \$1.5 million dollar investment in LEAD to expand the program to include all areas patrolled by the Seattle Police Department's West Precinct (not just Belltown). This expansion would increase the program capacity enough to serve an additional 200-300 participants, for a total of 400-500. The PAO will have primary responsibility in implementing the prosecution protocols in the expanded LEAD zone.

Lead Agency: PAO

Affected Agency: DPD, Seattle Police
Department, community service providers

Metrics:

- # of individuals offered the option by law enforcement
- # of individuals diverted from jail
- # of individuals referred to services
- Rates of arrests for individuals in the program

Potential Risks & Barriers: Resources to support expansion to all areas of West Precinct are conditioned upon City Council approval.

Potential Benefits: Pre-arrest diversion keeps people entirely out of the justice system and addresses the underlying addiction issues that may be prompting criminal behavior.

Alignment with Best Practices: LEAD is currently under evaluation as a potential best practice.

ESJ Impact: Given the disproportionality in the criminal justice system, reducing the number of people entering the system could benefit poor and minority communities.

Costs to Implement: Expansion would be covered by from the City of Seattle.

Potential Savings: TBD

Status: Discussions are pending.

3. Provide State ID Cards to Individuals Leaving the King County Jail

In fall of 2012, the PAO convened a four-day Reentry Summit attended by stakeholders throughout the state, including Department of Corrections Secretary Bernie Warner. The purpose of the summit was to identify and begin to address the multitude of barriers faced by men and women released from prison.

In Washington, nearly 8,000 men and women are released from prison each year; 40% will be released to King County. Of the 8,000 released each year, 30-50% will be back in prison within three years. Improving the chances of successful reentry will reduce recidivism, and as a result, save money.

During the summit one identified barrier to successful reentry is that many who leave jail or prison do not have a valid Washington State ID card; however, a valid state ID is often the “passport” needed to access health care, housing, and other services.

King County could launch a pilot project designed to provide a valid state ID to every individual leaving jail.

Lead Agencies: PAO and DAJD

Partnering Agencies: State Department of Licensing

Metrics:

- # of State ID cards issued
- % of inmates released without State ID card
- # of Medicaid cards issued
- % of inmates released without State ID card

Potential Risks & Barriers: The State Department of Licensing may be reluctant to take on the responsibility or cost for this new program.

Potential Benefits: Washington State ID cards will improve an individuals' access to healthcare, housing, and other services, which is likely to, in turn, reduce the likelihood of recidivism.

Alignment with Best Practices: Consistent with re-entry recommendations.

ESJ Impact: Given the disproportionality in the criminal justice system, providing state ID cards to men and women leaving prison will also likely have disproportionate benefit to minorities.

Costs to Implement: TBD

Potential Savings: TBD

Status: Interest is high, but planning is not yet underway.

D. PROMIS Database Replacement

Twenty-five years ago, the PAO's PROMIS case management system was state-of-the-art. Today, PROMIS, which runs on an IBM mainframe, is considered a "legacy" system with minimal technical flexibility. For example, PROMIS has no document creation or storage capabilities so it cannot accept or generate electronic documents which is the norm for modern systems. PROMIS does not interface with any sort of document management system so it does not support or comply with DJA's e-filing system or King County's Electronic Records Management System (ERMS). Funding to replace the aging PROMIS system was approved, and a new case management system, Prosecutor by Karpel (PbK) went "live" on June 24, 2013.

PbK replaced a 35 year old mainframe system (PROMIS) that was antiquated in every respect. Under PROMIS, case files were made of paper and only one person could work on the case at any one time. Extracting information from pending or closed cases was difficult. Gaining meta-data about workload, case flow, crime trends and the like, was virtually impossible.

The benefits of PbK are significant for all who work in the PAO, deputy prosecuting attorneys (DPAs), staff and administrators. For example, DPAs will be able to access case files remotely and while in court. Case files can also be accessed and searched in ways that will improve efficiency and make our case analysis more complete. Staff will also now be able to work on cases files and answer questions from the public, the court and DPAs without access to a paper

file. Administrators will be able to analyze trends in referrals, filings, negotiations and trials – a capability that was not available with PROMIS.

DPA's and staff are also learning to download cases into our electronic database, and at some point after they become proficient in PbK, they will have the ability to make decisions with full information on suspects, defendants, and witnesses, including instant access to any prior cases they may have been involved in.

However, the transfer from PROMIS to PbK is very demanding at this stage of the project. For example, PbK requires a great deal of time-intensive work at the start of each case. Staff is learning to scan, bate stamp, list witnesses and redact discovery at the inception of each case using Adobe Pro.

In order to reap the full benefits of PbK, staff must invest significant resources at the “front end” or start of each case. This front-end work is critical to the full functionality of PbK – but, it is new and very different from working in PROMIS, which was a “back-end” system. Also, all of the front-end work in PbK is being done while the PAO is still operating and using PROMIS on the thousands of cases that were filed prior to June 22, 2013, which was the Friday before “go live” with PbK. In addition, the PAO is also planning for the next phase of the project, which will allow law enforcement to submit case referrals (aka LODIs) to the PAO electronically instead of in paper hard copy format.

The PAO's initial experience leaves us feeling confident that the new PbK case management system will provide significant benefits to the quality of the prosecution function in King County, and that PbK will ultimately benefit the citizens served by the PAO. However, we are also finding that the time and resources required to launch PbK while we simultaneously wind down PROMIS is immense. The burden involved in launching this new system, becoming proficient in the new system, changing how the PAO does business in the new system, and winding down the old system is heavy. The PAO is in the process of determining how best to reallocate its current resources in order to work within and maximize this powerful new case management system.

The PAO anticipates that over time, there will be efficiencies from PbK that can be identified and realized. However, it is hard, at this current point in time, to predict where or when those efficiencies will emerge. What is clear is that PbK will markedly improve the quality of the PAO's work, improve its ability to provide information regarding cases, and as a result improve the prosecution function in our county.

E. Contract Services

The PAO has been asked to discuss potential services that could be offered to other municipalities on a contractual basis. The PAO is very open to this discussion provided that any potential services are offered as a “packaged deal,” along with other potential regional services such as police and court services. It only makes sense to offer a complete “package” of criminal justice services since the all criminal justice agencies work together as a system. Finally, any potential services offered to municipalities on a contractual basis would have to be designed so that individual criminal justice agencies achieved full cost recovery. Whether such services

would be less expensive than other options remains to be seen. Nonetheless, the PAO is willing to participate in such discussions.

F. Conclusion

It is the PAO's goal to continue working with our criminal justice partners to operate a justice system with integrity that serves public safety and to offer new programs that divert youth away from our court and criminal justice systems and into community-based programs designed to keep them in school and to help them avoid future criminal involvement.

The PAO is also committed to ensuring that our criminal justice system is fair, efficient, and fiscally sustainable, in addition to reflecting sound public policy and social justice equity throughout King County.

We look forward to working with all criminal justice agencies as we continue this discussion and these efforts. Together, we can continue to improve public safety, be more efficient and build a system that benefits our entire King County community.