



Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

July 21, 2017

Ordinance

Proposed No. 2016-0550.1

Sponsors Upthegrove

1 AN ORDINANCE relating to the adult and juvenile justice
2 systems and detention; and amending Ordinance 12432,
3 Section 2, as amended, and K.C.C. 2.16.120.

4 **PREAMBLE:**

5 In 2000, the county council recognized that increases in criminal justice
6 expenditures were outpacing the county's ability to pay for these increases,
7 and the county council required the development of master plans for both
8 the county's adult and juvenile criminal justice systems in order to reduce
9 crime and the need for new detention facilities. As a result, King County's
10 criminal justice system leaders engaged in an intensive effort to: explore
11 alternative types of sanctions; identify justice system process
12 improvements; improve the use of limited detention resources in order to
13 promote public safety; and, preserve detention capacity for those offenders
14 for whom jail is the only option. The county now makes use of a variety
15 of local community services and programs for offenders to reduce
16 recidivism and the county seeks to ensure that inmates have access to
17 families and the community to ensure successful reentry after
18 incarceration.

19 As a result of these efforts, the county has reduced its use of secure

20 detention for adults and juveniles and maintains sufficient capacity to
21 support current and projected secure detention needs.

22 Other jurisdictions, including the State of Washington and the federal
23 Department of Homeland Security's Immigration and Customs
24 Enforcement, have not been able to reduce secure detention caseloads and,
25 as a result, contract with private, non-governmental entities, also known as
26 private prisons, to house inmates in secure detention.

27 The existence of private prison service providers has become, in recent
28 years, a focal point of controversy in the United States. Proponents stress
29 that privately owned prisons operate with efficiencies not present in
30 government-run systems and due to those efficiencies, have lower costs.

31 However, national reviews contradict these assertions and have identified
32 other negative issues associated with private prisons. Researchers have
33 determined that contracts with private prison providers are not necessarily
34 less expensive when all costs are considered, determined that there is lack
35 of oversight of the contractors who provide the services, and that cost-
36 saving measures in these institutions lead to conditions that put inmates
37 and staff at risk. Additionally, the private detention facilities have little or
38 no link to community services because the facilities are located out-of-
39 state.

40 It is the intent of the council, therefore, that the county shall not use any
41 private or nongovernmental secure detention providers to house any adult
42 or juvenile detainees.

43 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

44 SECTION 1. Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120 are
45 each hereby amended to read as follows:

46 A.1. The department of adult and juvenile detention is responsible to manage and
47 be fiscally accountable for the Seattle division, the Kent division, the juvenile division,
48 the community corrections division and the administrative services division, each of
49 which shall have equal standing within the department. Through the Seattle division and
50 the Kent division, the department shall operate the King County adult correctional facility
51 and the security operation of the work and education release unit in Seattle and the
52 Regional Justice Center adult correctional facility in Kent. Through the juvenile division,
53 the department shall operate the county's juvenile detention facility. Through the
54 community corrections division the department shall administer programs that provide
55 alternatives to confinement in the adult correctional facilities, as well as services and
56 support functions directed toward reduction of the adult correctional facilities'
57 populations. Through the administrative services division, the department shall
58 administer personnel operation, budget and fiscal operations and other central support
59 services for the department. In addition, the administrative services division shall be
60 responsible for the administration and monitoring of jail health expenditures and services
61 through a jail health levels of service agreement and contract with its health services
62 contractor. The division shall monitor the provision of health care services and is
63 responsible for ensuring that minimum inmate health care needs are met and monitoring
64 the cost-containment provisions for both operational and health care related costs.

65 2. The judges of the superior court have final authority for approval of all

66 screening criteria for admission to the juvenile detention facility and alternatives to
67 confinement in the juvenile detention facility. The department shall implement such
68 criteria approved by the superior court related to the juvenile detention facility. The
69 department shall implement the criteria approved by the superior and district courts
70 related to adult detention facilities and alternatives to confinement, subject to the
71 eligibility conditions in subsections E. and F. of this section. The department may also
72 accept, from the prosecuting attorney's prefiling diversion program, persons arrested for
73 the following misdemeanor offenses for placement on work crews: possession of less
74 than forty grams of marijuana (RCW 69.50.4014); minor in possession of alcohol (RCW
75 66.44.270); possession of drug paraphernalia (RCW 69.50.412); and unlawful bus or
76 transit conduct (RCW 9.91.025, K.C.C. 28.96.010).

77 B. The duties of the Seattle division and the Kent division shall include the
78 following:

79 1. House adult persons who are any combination of arrested for, charged for or
80 held on investigation of a criminal offense.

81 2. House adult persons during trial, and before sentencing after conviction;

82 3. House adult persons serving sentences not exceeding one year;

83 4. Maintain records and process and identify property of persons confined or
84 committed to correctional facilities operated by the division;

85 5. Perform functions related to residential and building security, including
86 supervision of persons confined or committed to correctional facilities operated by the
87 division;

88 6. Transport confined or committed adult persons to and from court and provide

89 secure escort of those persons outside the facilities;

90 7. Provide nutritional meals daily to confined or committed adult persons,
91 including preparation of special meals in response to medical and religious requirements;

92 8. Provide health care to confined or committed adult persons in conjunction
93 with the Seattle-King County department of public health, including medical, dental and
94 psychiatric care;

95 9. Provide social services to and for confined or committed adult persons,
96 including, but not limited to, the following: classifying those persons; evaluating
97 mentally ill or developmentally disabled confined or committed persons, including
98 referral to available community programs; reviewing those persons with psychiatric
99 problems; reviewing other special population groups; providing general population group
100 management; and providing outside agency access to those persons including special
101 visitation, library, recreational and educational services; and

102 10. Ensure compliance with laws and regulations applicable to the management
103 and operation of the correctional facilities.

104 C. The principle function of the juvenile division is to operate the county's
105 juvenile detention facility in a safe, secure and humane manner as prescribed by state law
106 and court rules. The juvenile division shall administer alternatives to secure detention as
107 approved by the court, a school program, a health program and other related programs.

108 The juvenile division shall be operated in a manner that will give reasonable access to the
109 defense bar, juvenile probation counselors and social service providers and educators,
110 consistent with appropriate security measures and public safety.

111 D. The duties of the administrative services division shall include administering

112 personnel operations, budget and fiscal operations and other central support services
113 involving all divisions in the department to ensure consistency and efficiency of
114 operations. The department's director of the administrative services division shall oversee
115 these operations and services, and the operations and services shall conform to county
116 policies and procedures and to department guidelines and practices.

117 E. An individual is not eligible for the pretrial alternative to adult detention
118 entitled community corrections alternative program basic if the individual is charged with
119 a violent offense or sex offense and has one or more convictions of a violent offense or
120 sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged
121 offense.

122 F. An individual is not eligible for the pretrial alternative to adult detention
123 entitled community corrections alternative program basic if the individual is charged with
124 a domestic violence felony offense and has one or more convictions of a domestic
125 violence felony offense, as defined in RCW 9.94A.525, in the ten years before the date of
126 the charged offense.

127 G. The executive shall not enter into any contractual relationship with any private
128 or nongovernmental entity for the provision of secure detention services to house

129 any adults or juveniles under the jurisdiction of the department as defined in sections B
130 and C.
131

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None