



King County

Dow Constantine

King County Executive
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January 14, 2015

The Honorable Susan Craighead,
Presiding Judge
King County Superior Court

The Honorable Donna Tucker
Presiding Judge
King County District Court

The Honorable Dan Satterberg
King County Prosecuting Attorney

The Honorable John Urquhart
King County Sheriff

William Hayes
Director
King County Department of
Adult and Juvenile Detention

David Chapman
Director
King County Department of Public Defense

Dear King County Officials:

This letter is to provide an update on the Jail Population Management Plan, which representatives of your agencies have been discussing with Executive Office staff for the past few months.

As you know, the underlying challenge is that the revenue tools available to counties are inadequate to keep up with inflation and population growth. We have collectively made great strides in creating efficiencies that improve service and reduce cost growth. Our County also has a long history of developing alternatives to incarceration for those for whom such options are appropriate, to reduce recidivism and increase long-term public safety. Unfortunately, the ongoing nature of the revenue problem means that our past successes are not sufficient to meet our current and future financial challenges.

Our jail system remains the single largest net cost of King County government. When revenue-supported services are removed, the Department of Adult and Juvenile Detention (DAJD) comprises about 23% of our General Fund costs, nearly twice the share of the next largest agency, the Sheriff's Office. After declining for several years, the jail population rose in 2014.

We confronted a General Fund financial shortfall of about \$54 million as we prepared the 2015/2016 Proposed Budget. Each of your branches and agencies had to make difficult program

and staffing cuts, even after we captured efficiencies in processes, central rates, and health care costs. One part of the budget adopted by the County Council was an effort to maintain the jail population at approximately 2014 budgeted levels, thereby avoiding over \$5 million in additional costs for jail and jail health services.

The criminal justice system is arguably the hardest system in government to change because it is designed to be adversarial – prosecution versus defense, with multiple independently elected leaders. We share the same commitments to justice and public safety, and need to continue to work together to improve the system. I'm proud of the work we have done collectively to focus incarceration on higher-risk, violent offenders. We've done more than most counties in the nation, but there still are actions we can take to make the system more efficient.

The jail population management work group has identified several potential ideas for reducing the jail population outside the Jail Population Management Plan. Our priority should be to implement these and other options, which improve the efficiency of the overall criminal justice system. They include:

1. Shortening the time between plea or verdict and sentencing, which often would move individuals out of the County system sooner.
2. Shortening the time between first appearance and arraignment, recognizing that many individuals are released on personal recognizance or bond once they are arraigned.
3. Reducing the wait times for inmates being held in our jails who are awaiting mental health competency restoration because of the shortage of beds at Western State Hospital.
4. Setting up a system so more individuals booked for Failure to Appear see a judge within a day.

I recognize that these ideas require process changes by one or more branches or agencies in the criminal justice system, and that any such changes will take time. We are fortunate that with a biennial budget we have the flexibility to phase in system efficiencies over a longer period of time.

If the criminal justice system is unable to create these efficiencies, an additional last-resort option that we have been studying would be to book, assess, but not house lower-level pre-trial detainees who are booked for investigation of certain felonies or on a first Failure to Appear for certain types of misdemeanor warrants. The impact of this change on public safety would be minimal, as it would mean releasing some individuals in a few hours when they would have been released in a few days. All individuals would be booked, fingerprinted, checked for warrants, and screened. Law enforcement agencies would be able to override the release of any person deemed a higher public safety risk than their booking charges might indicate.

I share your commitment to public safety and appreciate the feedback that Mayors and Police Chiefs have provided over the past weeks. I'm also encouraged by the ideas that were produced by the work group that I brought together last year and want to give you more time to develop efficiencies within the criminal justice system.

We currently have the resources needed to maintain operations without having to implement the Jail Population Management Plan until June 1, 2015. This will give us time to do two things:

1. Continue to work on higher priority options that can reduce jail population, including the four ideas identified above, which could safely and adequately make the justice system more efficient.
2. Continue to work with the Legislature to add more flexibility to the revenue sources available to counties, though such revenue would not obviate the need to continuously improve operations and seek greater efficiencies.

I encourage all of you to help with these efforts.

Executive staff will continue to refine details of the "book but not house" concept for implementation after June 1 if we are unable to develop and implement other options.

We can phase in justice system efficiencies over a longer period of time because of our biennial budget. We also have some one-time contingency funds set aside by the County Council in the 2015/2016 budget that can provide a short-term bridge if we cannot fully achieve the desired stabilization of jail population.

In closing, I need to remind everyone that the current financial structure of King County's General Fund cannot sustain our current level of services over time. Limitations on revenues mean that we face a \$30-\$40 million gap every biennium. With three-quarters of our General Fund budget being spent on law, safety, and justice functions, and most of the remainder on mandatory programs, future spending cuts necessarily will fall heavily on criminal justice agencies. This means it is essential that we find ways to effectively manage the most expensive component of the justice system while preserving public safety.

I look forward to our continued work on these issues.

Sincerely,

A handwritten signature in black ink that reads "Dow Constantine". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Dow Constantine
King County Executive

King County Officials

January 14, 2015

Page 4

cc: King County Councilmembers
King County Police Chiefs
Dwight Dively, Director, King County Office of Performance, Strategy and Budget
Gail Stone, Law and Justice Policy Advisor, King County Executive's Office