



Legislation Text

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AN ORDINANCE approving the Adult Justice Operational Master Plan.

PREAMBLE:

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 over two thirds 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 required the development of master plan for the county's adult criminal justice system in hopes of duplicating the successes of the juvenile justice master plan that reduced juvenile crime and the need for new juvenile detention facilities. 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.

This effort is in accordance with K.C.C. 4.04.200, which provides that an operational master plan set forth how an organization will address its workload now and in the future.

Through Motion 11001, the King County council approved the work plan for developing the

Adult Justice Operational Master Plan.

The Adult Justice Operational Master Plan was directed by an advisory committee made up of elected officials and agency heads from county government, cities and state criminal justice agencies, and human and community service providers.

The recommendations of the advisory committee to the executive that are contained in the three project work group reports, the alternatives work group, the felony work group, and the Misdemeanant work group, resulted from the work of nearly one hundred participants representing local, regional and state criminal justice and health and human services agencies.

The recommendations contained in the Adult Justice Operational Master Plan Report titled King County Capacity Options: 2002 - 2010 represent recommendations on King County detention capacity options from the King County executive to the King County council.

Plans submitted for approval under K.C.C. 4.04.200 are generally followed by subsequent planning documents for the development of capital improvements. Each of these plans would also be subject to council approval. In addition, the council required in the 2002 Budget Ordinance that the district court develop plans that reduce jail utilization for offenders adjudicated in these courts. The response and plan have been included as part of this master plan and is included as an attachment. These plans are submitted as Attachment A to this ordinance, and if implemented, would improve system efficiencies, improve public safety, avoid the need for new jail capacity and should lead to an overall reduction in the need for secure detention.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. In accordance with K.C.C. 4.04.200, the Adult Justice Operational Master Plan, Attachment A to this ordinance, dated May 2002, is hereby approved.

SECTION 2. The council ordains that, with the approval of the Adult Justice Operational Master Plan,

it is the policy of King County to establish standards for the use of secure detention capacity, emphasize system and process efficiencies that reduce the utilization of jail and reduce overall criminal justice expenditures, encourage 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 establish 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.

SECTION 3. The county recognizes that the provision of secure detention for felons and some misdemeanants is a county responsibility that is subject to federal and state requirements. Nevertheless, the use of secure detention has not demonstrated effectiveness in reducing recidivism except during the time that inmates are incapacitated in jail. The Adult Justice Operational Master Plan does not identify any evidence that the use of jail has decreased recidivism in King County. Instead, the plan shows evidence shows that for certain offender groups recidivism is as high as 95 percent.

The council acknowledges that secure detention is effective for individuals who are a flight risk and must be detained. Nevertheless, data indicates that the threat of jail does not necessarily increase offender accountability when individuals have a history of failing to appear for court appearances. Rather, other process changes have been shown to be much more effective in reducing failure to appear rates. Consequently, the council intends that secure detention be used for those whose history demonstrates that they would flee the jurisdiction in order to avoid prosecution and not for those whose failure to appear history can be addressed more effectively with other process changes.

The plan does show that the use of secure detention may be necessary for those who have failed all other graduated sanctions and intermediary punishments. Consequently, it is the intent of the council that secure detention should be used in measured way to ensure compliance with other sanctions.

Federally sponsored research recommends as a best practice that counties establish policy for the use of

secure detention. King County's legislative authority has not formally established a policy for the use of secure detention for adults, but has for juveniles. Consequently, the council finds that as county policy, the county's secure jail facilities should be used for:

A. Those individuals who can be objectively shown as posing a threat to public safety if not detained in secure detention;

B. Those individuals who can be objectively shown as a flight risk from the jurisdiction if not detained;
and

C. Those offenders who have failed intermediary sanctions.

Therefore, the council requests that the county's criminal justice council prepare, and the King County superior and district courts adopt, jail use criteria and procedures that limit the use of the jail for those individuals who are a public safety or flight risk, or for those who require secure detention as a graduated sanction having failed other intermediate punishments. Alternatively, the criminal justice council may wish to propose other policy options that would also limit the use of secure detention.

SECTION 4. It is the intent of the council that the courts, prosecutor, sheriff, and all other agencies involved in the criminal justice system emphasize system and process efficiencies that reduce the utilization of jail and reduce overall criminal justice expenditures. The council intends that the courts, prosecutor, sheriff, and all other criminal agencies identify areas for efficiency that benefit the system as a whole, in addition to the individual agency.

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.

SECTION 6. It is the intent of the council that the county provide treatment options, within the constraints of existing current expense and other funding sources, for persons who are significantly impaired by

substance abuse and/or mental illness and involved repeatedly or for significant duration in the criminal justice system.

The council recognizes the value of the county therapeutic courts for substance abusing and mentally ill offenders. It is the intent of the council that the successful process and programs of these courts become a regular component of the county's criminal justice system and that the courts, prosecutor and executive, consider using the successful components of these courts as the basis for planning how best to integrate adjudication, sanctioning and treatment of these significantly impaired persons. Further, it is the intent of the council that the benefit of these courts be made available to significantly impaired offenders regardless of offense or court jurisdiction.

It is the intent of the council that treatment options for persons significantly impaired by substance abuse and/or mental illness emphasize community based alternatives to incarceration, as well as treatment in conjunction with incarceration where public safety risk or flight risk so requires, and are coordinated with ongoing community care wherever possible. It is the intent of the council that existing current expense and other funding sources be used to implement these policies, but the council recognizes that because of continuing fiscal problems with the current expense fund no new current expense funding will be available to expand programs. Nevertheless, the council recognizes that the county should continue to pursue other funding sources for treatment and that as savings are achieved in the criminal justice system, that consideration be given to reallocating resources for treatment programs for these populations.

In addition, the council also recognizes the benefits of the district court's consolidated domestic violence court. Similarly, the county should develop plans for expanding and duplicating the methods and benefits from this court program for other appropriate offender populations.

It is the intent of the council that the county substance abuse, mental health, and community services programs, including veteran's programs, domestic violence and work training programs, give priority to referrals from the criminal justice system in accord with needs and to the maximum extent allowable within the

parameters of their categorical funding sources and shall partner with the criminal justice system to jointly develop treatment options and screening, assessment and referral protocols.

It is the also intent of council that the county help provide access to information, treatment and other rehabilitative services for persons with other substance abuse and mental health concerns as part of its programming both within secure detention and in community corrections options.

SECTION 7. To ensure the application of the council's adopted criminal justice policies contained in sections 3 through 6 of this ordinance and the continued implementation of the Adult Justice Operational Master Plan submitted as Attachment A to this ordinance, the King County Criminal Justice Council shall develop and submit an implementation plan to the council by September 1, 2002, for review and approval by motion. It is the intent of the council that the plan identify responsibility for implementation of criminal justice policy and master plan recommendations (including criteria and procedures identified in section 3 of this ordinance related to jail use policies), schedule for implementation, and the estimated reduction of jail utilization associated with each recommendation. In addition, the executive, in consultation with the Criminal Justice Council, shall regularly report on the status of the implementation of plan recommendations. The executive shall also prepare an annual report summarizing the status of the population of adults in detention and in alternatives, and identifying workplan goals for the next year.