

Legislation Text

File #: 2023-0160, **Version:** 2

A MOTION requesting the executive to evaluate programs to appropriately reduce the average daily population in King County adult secure detention facilities and provide funding recommendations.

WHEREAS, King County's policy, since adoption of the Adult Justice Operational Master Plan in 2002, is that county secure detention facilities shall only be used for public safety purposes, and

WHEREAS, as a result of that policy, for two decades King County has developed alternatives to secure detention, including offering diversion programs, providing treatment resources and providing community services to address root causes of public safety concerns and reduce recidivism, and

WHEREAS, in recent years, King County has undertaken initiatives to further explore alternatives to secure detention and continue shifting the criminal justice paradigm from secure detention to addressing underlying social justice causes, such as access to behavioral health services, housing, employment and other social services, and

WHEREAS, in the 2017-2018 Biennial Budget Ordinance, Ordinance 18409, the council included Proviso P1, Section 19, requiring a report on options for providing work education release and electronic home detention, and

WHEREAS, in 2017, recognizing the importance of maintaining viable alternatives to secure detention, the council created the special committee on alternatives to secure detention, and

WHEREAS, in response to the council including Proviso P3 in the 2019-2020 Biennial Budget Ordinance, Ordinance 18835, Section 19, King County formed the pretrial reform working group including representatives from the department of public defense, the prosecuting attorney's office, the superior and

districts courts, the department of adult and juvenile detention, the council, the department of judicial administration and community and nonprofit organizations working to reduce pretrial incarceration, and

WHEREAS, in 2019, the pretrial reform working group developed a report containing analysis and recommendations for reducing incarceration rates of adult inmates at the county's adult secure detention facilities, and

WHEREAS, in an effort to address the disproportionate impact that the bail system in King County has on low-income residents, the 2019-2020 Biennial Budget Ordinance included \$400,000 in funding for the department of community and human services to contract with a King County nonprofit organization that pays bail for indigent individuals who would otherwise spend their pretrial time in jail, and

WHEREAS, in response to Ordinance 18835, Section 62, Proviso P3, the executive transmitted the Community Bail Fund Pilot Project Report, which included the finding that as a result of release plans and support services offered by contracted nonprofit organizations, "judges agreed to reduce total bail costs for these individuals from \$688,000 in total to \$51,000," and included a recommendation to increase funding for organizations that provide supportive services for people who are released on bail, including shelter, food and job training, and

WHEREAS, in the 2021-2022 Biennial Budget Ordinance, King County included funding for implementation of the community diversion program, intended to divert eligible individuals facing their first low-level property or drug felony, or both, to a community-based, culturally competent program in lieu of prosecution, and

WHEREAS, also in the 2021-2022 Budget Ordinance, Ordinance 19210, Section 50, Proviso P4, the council required the executive to transmit a report providing information on the department of adult and juvenile detention's community work program and alternative ways to serve the needs of program participants, and

WHEREAS, in 2020, in response to the COVID-19 pandemic, King County made additional efforts to

further reduce the adult secure detention population by implementing jail booking restrictions, expanding the electronic home monitoring program and temporarily eliminating electronic home monitoring fees that disproportionately impacted participation by people with low incomes, and

WHEREAS, these emergency efforts succeeded in reducing King County's secure adult detention average daily population by over six hundred people between 2019 and 2020, and

WHEREAS, jail booking restrictions remain in place, and the elimination of electronic home monitoring fees was made permanent in 2022 by Ordinance 19536, and

WHEREAS, the county is experiencing unprecedented staff vacancies at the county's adult detention facilities with over one hundred corrections officer vacancies, resulting in reduced access to services and programming for inmates and mandatory overtime for staff, and

WHEREAS, efforts to address King County's jail capacity issues have included hiring and retention incentives for detention staff and a proposal to contract for jail services with South Correctional Entity through December 2024, and

WHEREAS, during public testimony for the proposal to contract for jail services with South Correctional Entity community members have advocated for additional funding for alternatives to incarceration, and

WHEREAS, the council has expressed a priority interest in further reducing the average daily population at the county's adult detention facilities, if appropriate for maintaining public safety, through exploring potential options, such as increased support services for people in the criminal justice system, electronic home monitoring program expansion, diversion program expansion, bail assistance programs and partnerships with community organizations;

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

A. The executive is requested to evaluate programs to reduce King County's secure adult detention daily population, if appropriate for ensuring public safety. The evaluation should include communication with

King County criminal justice partners, which may include superior court, the prosecuting attorney's office, the department of public defense or community service providers. The evaluation should consider program options based on their cost and potential to expediently and effectively reduce King County's adult secure detention population while ensuring public safety. The evaluation should draw from recommendations from related county work, including but not limited to:

1. The Pretrial Reform Proviso Workgroup Report produced in response to Ordinance 18835, Section 19, Proviso P3;
2. The Community Bail Fund Pilot Project Report produced in response to Ordinance 18835, Section 62, Proviso P3;
3. The Community Work Program Proviso Response, the receipt of which was acknowledged by Motion 16087;
4. The Work Education Release and Electronic Home Detention Options for King County Proviso Response approved by Motion 14972;
5. Efforts by the executive and the department of adult and juvenile detention to explore options for addressing jail capacity issues; and
6. Lessons learned during efforts to establish the community diversion program.

B. The executive should provide to the council recommendations about priorities for county investment based on the evaluation requested in section A of this ordinance. The executive should provide the recommendations by electronically transmitting a letter or a supplemental budget ordinance to the clerk of the council no later than September 30, 2023. The clerk shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law, justice, health and human services committee, or its successor.