



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 16015

Proposed No. 2021-0412.1

Sponsors Zahilay

1 A MOTION acknowledging receipt of the first of thirteen
2 reports documenting the city of Seattle's utilization of
3 secure detention for misdemeanants subject to the
4 provisions of the contract authorized by Ordinance 17199
5 in compliance with the 2021-2022 Biennial Budget
6 Ordinance 19210, Section 50, as amended by Ordinance
7 19307, Section 31, Proviso P5.

8 WHEREAS, the 2021-2022 Biennial Budget Ordinance, Ordinance 19210,
9 Section 50, as amended by Ordinance 19307, Section 31, Proviso P5, requires the
10 executive to transmit monthly reports documenting the city of Seattle's utilization of
11 secure detention for misdemeanants subject to the provisions of the contract adopted with
12 Ordinance 17199, and a motion acknowledging the first and last secure detention
13 utilization reports, and

14 WHEREAS, the first report, to be transmitted by October 15, 2021, should cover
15 all months from January 1, 2021, through August 31, 2021, and monthly reports should
16 thereafter be transmitted by the 15th of each month and report on the previous month's
17 data, and

18 WHEREAS, Ordinance 19210, Section 50, as amended by Ordinance 19307,
19 Section 31, Proviso P5, provides that \$100,000 shall not be expended or encumbered
20 until the executive transmits reports and a motion acknowledging receipt of the first and

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21 last reports is passed, and

22 WHEREAS, the council has acknowledged receipt of the first report transmitted

23 by the executive;

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

25 The motion acknowledging receipt of the first report documenting the city of

26 Seattle's utilization of secure detention for misdemeanants subject to the provisions of the

27 contract authorized by Ordinance 17199, which is Attachment A to this motion, is hereby

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- 28 passed in accordance with the 2021-2022 Biennial Budget Ordinance , Ordinance 19210,
29 Section 50, as amended by Ordinance 19307, Section 31, Proviso P5.

Motion 16015 was introduced on 11/2/2021 and passed by the Metropolitan King County Council on 12/14/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles, Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

Claudia Balducci

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Claudia Balducci, Chair

ATTEST:

DocuSigned by:

Angel Allende

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Melani Pedroza, Clerk of the Council

Attachments: A. City of Seattle's Utilization of Secure Detention for Misdemeanants Subject to the Provisions of the Contract Adopted with Ordinance 17199

**City of Seattle's Utilization of Secure Detention for Misdemeanants Subject to
the Provisions of the Contract Adopted with Ordinance 17199**

October 15, 2021



King County

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I. Proviso Text

Ordinance 19307, Section 31, Department of Adult and Juvenile Detention P5¹:

A. *Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits reports, beginning October 15, 2021, documenting the city of Seattle's utilization of secure detention for misdemeanants subject to the provisions of the contract adopted with Ordinance 17199 and a motion that should acknowledge receipt of the first secure detention utilization report and a motion acknowledging receipt of the last monthly secure detention utilization report is passed by the council. The motions should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.*

B. *To provide oversight of the executive's proposal to use revenue from the city of Seattle for community diversion services rather than for secure detention of misdemeanants, the department of adult and juvenile detention is required to provide monthly reports that shall include, but not be limited to:*

1. *The number of city of Seattle-responsible city misdemeanor beds that the city is contractually obligated to pay for during each month of the reporting period along with the total projected revenue based on the contract;*

2. *The actual average daily bed use of city of Seattle-responsible misdemeanants during each month of the reporting period and the actual revenues for secure detention charged to the city; and*

3. *A confirmation from the executive that the number of city of Seattle-responsible misdemeanor beds actually utilized during the reporting period and the revenue received from the city fully supports the transfer of revenues from the department to support the contracts for community diversion services.*

C. *The following secure detention utilization reports should be transmitted to the council:*

1. *A report by October 15, 2021, covering all months from January 1, 2021 through August 31, 2021; and*

2. *Monthly reports thereafter, to be transmitted in accordance with this proviso by the 15th of each month reporting on the previous month's data, with the last monthly report due by October 15, 2022.*

D. *The executive should file each secure detention utilization report and the motions required by this proviso in electronic format 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 for the law and justice committee, or its successor.*

¹Ordinance 19307 [LINK](#)

II. Background

Department Overview: The Department of Adult and Juvenile Detention (DAJD) operates three detention facilities and various community supervision programs for pre- and post-trial defendants throughout King County. The two adult secure detention divisions are the Seattle Division and the Kent Division. The Seattle Division operates the King County Correctional Facility, and the Kent Division operates the secure detention portion of the Malang Regional Justice Center. During September 2021 the secure detention population averaged about 1,305 persons per day.

Historical/Current Context: The City of Seattle contracts with King County to provide misdemeanor incarceration, as provided for in state law. Under Washington State law, municipalities are required to provide for the “incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions...”². Incarceration may be done “through the use of their own...facilities, or by entering into contracts or interlocal agreements...”³ The City of Seattle has elected to fulfil this requirement through an interlocal agreement with King County for incarceration service.

The 2012 Interlocal Agreement between King County and the City of Seattle for jail services (JSA contract) includes a provision for a minimum number of bed days for Seattle’s use, known as secure bed floor.⁴ The agreement states that Seattle agrees to compensate the County for the minimum number of billed bed days regardless of the actual number of bed days used for City subjects housed in secure detention⁵. The JSA contract also includes a provision to allow the City to make changes to the secure bed floor over time.⁶ Seattle exercised this option in 2018, lowering the secure bed floor to a minimum average daily bed use of 188 beds in 2021.

In March of 2020 in response to the COVID-19 pandemic, King County instituted restrictions on the types of crimes for which the County would allow misdemeanor and gross misdemeanor bookings. These restrictions were placed on contracting cities and agencies for which the County is responsible for providing jails services, such as the King County Sheriff’s Office. Because of the speed of COVID-19 infections and the need to enact immediate restrictions to protect public health, the County was not able to provide notice of this action to Seattle as called for in the contract. Therefore, adherence to the secure bed floor adjustment process was not possible and the County waived the minimum fee payment provision of the JSA contract.⁷

Rather than making an adjustment to the bed floor number based on use, the City and the County have agreed to shift \$8,000,000 per year in 2021 and 2022 from funding incarceration to investing those funds into community-based supports that promote health and housing for communities that are disproportionately affected by the legal system and incarceration within the City Seattle. Revenues from the JSA contract that exceed the actual use of the City of Seattle for misdemeanor incarceration will be transferred to the Department of Community and Human Services (DCHS) as described.

² RCW 39.34.180 (1) [LINK](#)

³ Ibid.

⁴ Approved by King County Ordinance 17239 [LINK](#)

⁵ JSA Section 1.35 and Exhibit III, Section 6

⁶ JSA Section 6.2.1

⁷ JSA Section 6.2.2

Report Methodology: Data for the City of Seattle usage of secure detention for misdemeanors under the JSA contract is taken from DAJD's Detention Billing Information System (DBIS). DBIS is used to track contract agency use of secure detention and the associated billing rate for this use, creating the appropriate invoices for each contracting agency.

The projected year end amount for City of Seattle usage was developed by averaging the last two months of actual use, as use in July and August 2021 were higher than in January through June 2021. The July-August average was then used to estimate the September through December use.

III. Report Requirements

- A. The number of city of Seattle-responsible city misdemeanor beds that the city is contractually obligated to pay for during each month of the reporting period along with the total projected revenue based on the contract;
- B. The actual average daily bed use of city of Seattle-responsible misdemeanants during each month of the reporting period and the revenues for secure detention charged to the city.

The tables below provide the required data in response to items A and B.

Table 1: Seattle Jail Contract Minimum Usage 2021

Year to date - August 2021	JSA Contract Minimum	Actual	Actual less Minimum
Average Bed Days	188	62.5	(125.5)
Revenue	\$ 9,352,428	\$ 3,117,067	\$ (6,235,361)
Projected Annualized 2021*	JSA Contract Minimum	Estimated Actual	Actual less Minimum
Average Bed Days	188	70.7	(117.3)
Revenue	\$ 14,047,886	\$ 5,290,770	\$ (8,757,116)

**Using the average of the last two months for the remainder of the year*

Table 1 *Year to date* shows:

- The JSA contract agreed minimum usage for average bed days and associated revenue at the JSA contract rate of \$204.72 per Bed Day;
- Actual average bed days used by Seattle for the period January 1, 2021 through August 31, 2021, and actual billed Bed Day revenue; and
- The differential between the JSA minimum usage and the actual use, along with the associated revenue.

Table 1 *Annualized* shows a projection through the end of the year in the same categories. Due to the variable nature of Seattle's use of bed days, the most recent two months of bed day usage were annualized and added to the *Year-to-date* actual use to most accurately reflect the current use by Seattle.

Table 2: Monthly Use by City of Seattle January through August 2021

Month	Secure Bed Floor	JSA/Contract Planned Revenue	Actual Average Bed Use	Actual Use Revenue	Revenue Available for Transfer
January-21	188	\$1,193,108	55.19	\$350,276	\$842,832
February-21	188	\$1,077,646	58.04	\$332,670	\$744,976
March-21	188	\$1,193,108	59.13	\$375,252	\$817,856
April-21	188	\$1,154,621	61.97	\$380,574	\$774,046
May-21	188	\$1,193,108	57.71	\$366,244	\$826,864
June-21	188	\$1,154,621	33.77	\$207,381	\$947,239
July-21	188	\$1,193,108	84.55	\$536,571	\$656,537
August-21	188	\$1,193,108	89.52	\$568,098	\$625,010

Table 2 contains data for January 2021 through August 2021

- Actual Use Revenue is revenue associated with the Actual Average Bed Use based on the JSA/Contract rate of \$204.72 per Bed Day in 2021
- Revenue Available for Transfer is the difference between the JSA/Contract Planned Revenue and the Actual Use Revenue

C. A confirmation from the executive that the number of city of Seattle-responsible misdemeanor beds actually utilized during the reporting period and the revenue received from the city fully supports the transfer of revenues from the department to support the contracts for community diversion services

Submittal of this report is confirmation by the Executive that that the number of City of Seattle-responsible misdemeanor beds actually utilized during the reporting period and the revenue received from the city fully supports the transfer of revenues from the department to support the contracts for community diversion services.

The next report called for by this Proviso will be submitted by November 15, 2021.

Certificate Of Completion

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Claudia Balducci
 claudia.balducci@kingcounty.gov
 King County General (ITD)
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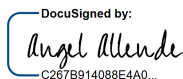
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Angel Allende
 angel.allende@kingcounty.gov
 Deputy Clerk of the Council
 King County Council
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Motion 16015 Attachment A.docx

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