



## King County

### Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104-1818

**206-263-9600** Fax 206-296-0194

TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

September 29, 2023

The Honorable Dave Upthegrove  
Chair, King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember Upthegrove:

As called for by Motion 16361, this letter provides a summary evaluation of programs to reduce King County's secure adult detention daily population and recommendations about priorities for County investment.

**Program Evaluations.** Our collective work to reduce the use of secure detention was examined in the King County Auditor's 2022 "Incarceration Alternative and Diversion Programs: Improved Strategy, Data, and Coordination Could Help County Meet Goals Report". The Auditor's report identifies King County's 12 programs that divert adults from or provide an alternative to being in jail and notes that four of these 12 programs have had evaluations. The report further states that, "programs with plans for monitoring and evaluation more consistently received monitoring and evaluation."

The Auditor's analysis identified three key findings:

1. County decision-makers lack key information about the effectiveness of programs that divert people from, or provide an alternative to, incarceration. Each of the 12 programs conducts different levels of monitoring and evaluation for their respective program; some have received multiple evaluations and regular monitoring, while others, including some of the County's longest-standing programs, have not yet been evaluated. Programs that received evaluations had monitoring evaluation plans and requirements.
2. While County leaders have stated systemwide goals for criminal legal reform, including maintaining low jail populations and eliminating racial disparities, the County lacks a strategy and a system for accountability for reaching these goals. The absence of a strategy makes it difficult to determine whether programs are helping achieve system-level outcomes.
3. Shortcomings in available data reduce the County's ability to understand program outcomes. First, County criminal legal agencies do not have an efficient way to share data needed to

measure program outcomes. Second, criminal legal agencies collect race data in varying ways, making it difficult to analyze racial disparities in the criminal legal system.

The Auditor’s report further notes that King County District and Superior Courts declined to participate in the audit.

I concur with the Auditor’s recommendation that King County – including our separately elected-led criminal legal agencies – complete criminal legal data integration and define which race and gender data will be necessary to analyze racial and gender disparities in the criminal legal system.

I also note that in order for these programs to conduct program evaluations, additional staffing and financial resources are necessary. In addition to resources, departments and agencies need to collaborate and coordinate, including sharing data, to evaluate programming across the entire criminal legal system.

Notably, simultaneously as I transmit this letter to the King County Council, I am also transmitting a criminal justice enterprise data hub Proviso response report. The data hub report states that work on developing a shared data reporting structure did not move forward because the County’s criminal legal entities could not establish a data sharing agreement. The report states that the King County Information Technology department worked for six months to effectuate a data agreement among the County’s criminal legal agencies. It further states that District Court, the Department of Judicial Administration, and the Prosecuting Attorney’s Office questions regarding legal restrictions on data access were not resolved, which means that the project cannot continue in its current iteration.

**Previous Recommendations.** Over the last several years, we have provided various reports and recommendations to the King County Council related to reducing the use of secure detention continue current while preserving public safety. Table 1 below summarizes key recommendations from four reports:

- April 2017 - Work Education Release and Electronic Home Detention Options for King County - Proviso Response Report;
- July 2020 – Pretrial Reform - Proviso Response Report;
- April 2021 – Community Bail Fund - Proviso Response Report; and
- September - 2021 Community Work Program - Proviso Response Report.

Report	Key Recommendations
2017 Work Education Release and Electronic Home Detention Options	A. Work Release Options (WER) – continue current operations, same capacity new location, larger capacity new location, larger capacity two locations, close work release contract for WER services B. Electronic Home Detention (EHD)- continue current operations, RFP for a new vendor with expanded services, shift responsibility for EHD to a different (non-county) agency, discontinue EHD

Report	Key Recommendations
	<ol style="list-style-type: none"> <li>1. Develop Request for Information (RFI) for new EHD contract including modern technology and expanded functionality</li> <li>2. Rename the program</li> <li>3. Consider transition of responsibility for EHD to different agency</li> <li>4. Consider feasibility of using electronic monitoring to replace need for residential work release facility</li> <li>5. Hire a project manager</li> <li>6. Involve additional stakeholders</li> <li>7. Consider revising fee schedule</li> <li>8. Explore options for more beds for women</li> <li>9. Implement of a preferred option for a new WER program</li> <li>10. Continue work to redefine case worker responsibilities</li> <li>11. Consider piloting the inclusion of readily employable individuals in WER</li> <li>12. Implement risk assessment tool in WER/EHD</li> <li>13. Explore on-site or expanded programming options &amp; assess the demand for these services</li> </ol>
2020 Pretrial Reform	<ol style="list-style-type: none"> <li>1. Plan an integrated data system</li> <li>2. Send Text message reminders to all clients</li> <li>3. Expand Navigators/Case Management Services to Support Court Appearance and Other Needs Fund Expanded navigators/case managers services to support court appearances and other needs</li> <li>4. Utilize prebooking diversions to behavioral health or other services</li> <li>5. Begin jail release planning at intake</li> </ol>
Community Bail Fund	<ol style="list-style-type: none"> <li>1. Increase funding for organizations that provide supportive services for people who are released on bail, including shelter, food, and job training.</li> <li>2. Provide every inmate who needs one with an identification card upon release.</li> <li>3. Maintain the changes in detention practices started during the COVID-19 pandemic, including the reduced jail population.</li> </ol>
Community Work Program	<ol style="list-style-type: none"> <li>1. Verbal admonishment</li> <li>2. Directed community service</li> <li>3. Reinstate community work program</li> <li>4. Utilize hybrid version of the community work program</li> <li>5. Eliminate all financial legal obligations</li> </ol>

**Addressing Jail Capacity:** The Department of Adult and Juvenile Detention (DAJD) has been able to take actions to help manage jail capacity. They include:

- King County jails maintain booking restrictions on most non-violent misdemeanors to help maintain a lower average daily jail population. We remain committed to booking all individuals facing charges who pose an immediate public safety risk.
- DAJD earlier this year rebalanced the population between King County’s two adult secure detention facilities. While the downtown Seattle jail is still the larger of the two, the Maleng Regional Justice Center (MRJC) now averages 300 to 350 more jail residents now compared with January through March.

The Honorable Dave Upthegrove

September 29, 2023

Page 4

- Expanding capacity in Community Corrections programs as alternatives to jail, following disruptions from the COVID-19 pandemic. Community Corrections programs can now accommodate up to 350 participants in Electronic Home Monitoring plus another 250 participants in the Community Center for Alternative Programs (CCAP) and related programs. A judge must assign someone to these programs, and this can occur pre-trial or as part of sentencing.

**Community Diversion Lessons Learned.** Here are a few lessons learned as we implemented the community diversion program. Unanticipated challenges and successes include:

- Impact of the global COVID-19 pandemic on law enforcement - staffing shortages/vacancies, changes in practices;
- Blake decision impacted the number of referrals;
- Wide effect of fentanyl on this population;
- Necessity of reliable contact information at the point of referral for engagement and need for accountability in the process beyond a warm handoff; and
- Understanding the value of loss recovery (victim access to funds to recover losses) and its positive impacts on all parties.

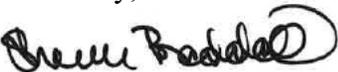
**Communication with King County Criminal Justice Partners.** This letter was shared with the County's criminal legal system partners, including Superior Court, the Prosecuting Attorney's Office, the Department of Public Defense, and the Department of Adult and Juvenile Detention.

**Investment Priorities.** As you know, I will be transmitting a proposed 2024 budget in October. I will identify my recommended priorities for County investment in that forthcoming document.

Thank you for this opportunity to share about our work to reduce the use of secure detention and our collective opportunities to improve this important work.

If your staff have questions, please contact Celia Jackson, Director of Criminal Legal System Transformation, King County Executive Office, at 206-236-4195.

Sincerely,

 for

Dow Constantine  
King County Executive

Enclosure

cc: King County Councilmembers  
ATTN: Stephanie Cirkovich, Chief of Staff  
Melani Hay, Clerk of the Council  
Karan Gill, Chief of Staff, Office of the Executive  
Penny Lipsou, Council Relations Director, Office of the Executive

The Honorable Dave Upthegrove

September 29, 2023

Page 5

Celia Jackson, Director of Criminal Legal System Transformation, Office of the Executive

Dwight Dively, Director, Office of Performance Strategy and Budget