**ADULT & JUVENILE DETENTION**

Analyst: Clifton Curry

|  |  | **Expenditures** |  | **Revenues** |  | **FTEs** |  | **TLTs** | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 2019-2020 Revised Budget |  | $331,793,089 |  | $54,126,771 |  | 928.0 |  | 1.0 | |
| 2021-2022 Base Budget Adjust. |  | ($3,663,970) |  | ($185,479) |  | 0.0 |  | 0.0 | |
| 2021-2022 Decision Packages |  | ($1,443,733) |  | ($29,657,179) |  | (58.0) |  | (1.0) | |
| **2021-2022 Proposed Budget** |  | **$326,696,000** |  | **$24,285,000** |  | **870.0** |  | **0.0** | |
| % Change from prior biennium |  | (1.5%) |  |  |  |  |  |  | |
| Dec. Pkg. as % of prior biennium |  | (4.4%) |  |  |  |  |  |  | |
| **Major Revenue Sources:** General Fund, state and local fees. | | | | | | | | |
| **Base Budget Assumptions:** (1) 0.0% GWI for 2021; (2) 2.0% GWI for 2022. | | | | | | | | |

**Description**

The King County Department of Adult and Juvenile Detention (DAJD) operates one of the largest detention systems in the Pacific Northwest. The department operates two adult detention facilities; the King County Correctional Facility (KCCF) in Seattle and the Maleng Regional Justice Center (MRJC) in Kent.[[1]](#footnote-1) Prior to the COVID pandemic, the adult system had seen more than 32,000 bookings in 2019 and was housing a total of 1,977 inmates on an average daily population (ADP). The department’s Juvenile Detention Division is responsible for the operation of the county’s juvenile secure detention facility in Seattle that housed 43 offender youth on an average daily basis in 2019. However, as a consequence of the COVID pandemic and the implementation of policies to ensure that the spread of the virus was contained, detention populations were significantly reduced in 2020. Adult jail ADP went from 1,945 in February to 1,305 in August. Similarly, juvenile secure detention ADP went from 34 ADP in February to 20 in August.

In 2000 (juveniles) and in 2002 (adults),[[2]](#footnote-2) the Council adopted as county policy that its secure detention facilities would only be used for public safety purposes. As a result, the county has developed alternatives to secure detention, provides treatment resources to offenders, and provides other community services to offenders to reduce recidivism. Alternatives to secure detention and treatment programs for adults are administered through the department’s Community Corrections Division (CCD). The division also provides services to the court to support judicial placement decisions for both pre-trial and sentenced inmates. Alternative programs for juvenile offenders are provided through the Juvenile Detention Division.

**Summary of Proposed Budget and Changes**

The department’s 2021-2022 executive proposed budget is $326.7 million, $5.1 million or 1.5 percent lower than the amount approved in the 2019-20 adopted budget. For the 2021-2022 budget, the department projects that its revenues will be $24.3 million, 45.2 percent lower than the current biennium. The proposed budget is based on maintaining its current significantly reduced levels of adult and juvenile secure detention populations, but with a corresponding reduction in contract revenue from the state and cities. Additionally, the Executive is proposing to eliminate the Community Work Program and close the Work/Education Release program in the County Courthouse (retaining a limited number of work release beds through a contract with state). The budget also includes a proposal to begin a strategic planning process for the future of the Children and Family Justice Center.

**Direct Service Changes:** The Executive is proposing reductions totaling $3.1 million and 38.0 FTEs for secure detention of juveniles and adults. In addition, the department’s Community Corrections Division would also take reductions totaling $4.9 million and 19.0 FTEs through the closure of two alternatives-to-secure-detention programs. These proposals are described in detail below.

The department is also proposing to reduce $933,039 from the DAJD budget for the South King County Pretrial Services Project, now known as the Pretrial Assessment and Linkage Services (PALS) program in South King County. The original project was not implemented because of the COVID pandemic. However, the basic concept of using community resources and providers to assess and provide services to pretrial defendants will continue using state and MIDD funding and be administered by the Department of Community and Human Services. **[[3]](#footnote-3)**

The department is requesting $222,000 to provide an electronic mail scanning service that would allow DAJD to electronically scan all incoming mail for inmates and allow the inmates to access their mail via an electronic device. The department notes that this is not a technology project but is a vendor-provided solution to handling mail to incarcerated individuals in order to reduce contraband being introduced into secure detention. Under this proposal, all mail to individuals inside the jail would be sent to the vendor’s mail processing center where it is scanned and sent back electronically. Recipients will then be able to view their mail on kiosks and the video consoles already in jail housing units. The department’s phone/video visitation vendor would provide this service. The budget request also contains funding of $308,397 and 1.0 FTE for a Public Information Officer. There is also request for $547,610 to begin a strategic planning process for the future of the CFJC (as described below). Finally, the DAJD budget contains net additions of $7.1 million in Technical Changes ranging from a $1.2 million reduction in vacancy rates to $3.6 million add for overtime account adjustments.

**Key Issues**

**Issue 1 – Juvenile Secure Detention Population // Restorative Community Pathways (Reduction of $1,198,258 & 8.0 FTEs)**

Prior to the onset of COVID-19, and in preparation for the 2019 budget year, the average daily population (ADP) target for juvenile detention was 55 youth. At the onset of the COVID-19 pandemic, the department in conjunction with the Juvenile Court and other stakeholders, identified several policies to reduce the population in detention to ensure social distancing and to protect both detainee and employee health. The actual average ADP in 2019 was 43 and thus far the 2020 year-to-date ADP has been 30 youth (in August it was 20 ADP). According to the Executive, the original detention staffing plan for juvenile detention officers anticipated having four boys’ living halls and one girls’ living hall staffed to handle an ADP of 54 youth. Nevertheless, DAJD is now expecting ADP to remain in the 25 to 30 range throughout the biennium and that staffing reductions will be possible in 2022, as the pandemic crisis eases. As a result, the department’s budget request is based on closing one living hall and eliminating 5 posts, which results in a corresponding reduction of about 7.5 FTEs, which was rounded to 8.0 FTEs in the proposed budget.

It should be noted that this estimate also includes the potential benefit from the Restorative Community Pathways (RCP) program. In lieu of filing charges, the King County Prosecuting Attorney’s Office (PAO) proposes to refer up to 600 young people (about 60 percent of cases) pre-filing in 2022 to community-based organizations for comprehensive services intended to promote accountability, healing, and avoid future involvement in the criminal legal system. This new diversion program referred to as “Restorative Community Pathways (RCP)” was developed in partnership between community organizations, the Department of Public Defense, the PAO, and the Department of Community and Human Services. This program will serve youth ages 12-17 and will address misdemeanors (except domestic violence and sexual assault) and many first-time felony charges. Eligibility is at PAO discretion and PAO will consider other factors such as criminal history, level of injury, and use of a deadly weapon. The use of this new diversion program could help keep juvenile detention populations lower after its implementation in 2022 and the executive proposes reduction of $206,402 and 1.6 FTE in the DAJD proposed budget. The executive proposed RCP Program invests $6.2 million to expand pre-filing diversion opportunities. This proposed appropriation is discussed in the DCHS-Employment Education Resources staff report.

The committee’s consideration of the overall impacts of the RCP program was discussed in the Prosecuting Attorney Office’s budget during the October 7th Budget and Fiscal Management Committee meeting.

**Issue 2 – Adult Secure Detention Population (Reduction of $1,940,903 & 30.0 FTEs)**

According to the Executive, unlike past years, the department did not rely on forecasts based on its traditional methodology (projections using prior historical trends and an evaluation of projected changes in population or policy changes) to estimate secure detention population for 2021 and 2022. For example, the department’s budgeted population for 2020, based on these historical projections, was 2,034 ADP and actual ADP in February 2020 was 1,945 ADP.

However, with onset of the COVID Pandemic and the need to protect both inmates and staff in the jail, the department took several actions. The department worked with the Superior Court, District Court, and the Prosecuting Attorney to develop mechanisms to ensure that the use of detention was limited. In addition, the department limited the use for the jail for its contract partners--state Department of Corrections community supervision violators and city misdemeanants.

As a result of these changes, ADP dropped to 1,305 ADP in August 2020. Rather than using historic projections for the development of the department’s 2021-2022 population estimates for the development the department’s biennial budget, the Executive instead directed DAJD and other criminal legal system actors to follow policies that will maintain ADP at the current pandemic level of 1,300 to 1,350 ADP even after a return to normal operations.[[4]](#footnote-4) The budget proposal, using these estimates would allow DAJD to close one floor of the King County Correctional Facility in mid-2022 for a reduction of $1.9 million and 30.0 FTEs for the biennium. In order to close a floor, the department notes that it will be necessary to maintain ADP close to 1,300 even after conditions allow DAJD to return to normal operations and that it is unlikely that a floor will be closed prior to July 1, 2022. The department also notes that, depending on the floor selected for closure and how it is intended to be used, it may be necessary to retain some of the 30.0 FTEs eliminated in this proposal. According to the Executive, the exact number of FTEs that can be eliminated will be determined during the department’s planning efforts prior to closure, and if necessary, a proposal for supplemental appropriation to retain some of these positions will be transmitted to Council.

**Issue 3 – Reductions in City and State Jail Contract Revenues**

**(Revenue Reduction of $21,218,060)**

The County has contracts with the state Department of Corrections (DOC), the City of Seattle, and other cities to provide jail services. For state DOC Community Corrections violators, the contract includes an agreed daily rate for violators in county facilities, asks the state to pay for all inmates receiving medical or psychiatric services, and continues the reciprocal bed use whereby the state may use 20 beds in King County work release facility in exchange for 30 beds in the state’s work release facilities. The city contracts contain agreements for the payment of booking fees, daily fees, and the costs for medical and psychiatric services. The Adopted 2019-2020 Budget estimated that state and city contract revenues would have totaled $49.7 million.

As noted in the previous issue, with onset of the COVID pandemic and the need to protect both inmates and staff in the jail, the department took several actions. One of which was to limit the use for the jail for its contract partners--state Department of Corrections community supervision violators and city misdemeanants. As a result of these changes, the overall secure detention ADP dropped significantly in 2020. The state had 177 ADP in February 2020, dropping to one ADP for June, July, and August. City use also declined, where cities had 196 ADP in February 2020, declining to 59 ADP in August (the City of Seattle accounted for 55 ADP). During this timeframe, the department has also seen a significant reduction of revenues.[[5]](#footnote-5)

Rather than using historic projections for the development of the department’s 2021-2022 population estimates in developing the department budget, which would have included the continued historical use of the jail by the state and cities, the Executive instead has directed that the department will maintain secure detention ADP at the current level of 1,300 to 1,350 ADP even after a return to normal operations. As a consequence, the department’s budget assumes that there will be no DOC violators housed in secure detention during the biennium (with a reduction in revenue of $7 million) and that city numbers will also be kept at low numbers (with a reduction of about $14 million) for a total reduction of $21.2 million in contract revenue compared to 2019-2020.

**Issue 4 – Work Education Release Closure (Reduction $2,688,986 & 11.0 FTEs and $100,000 revenue reduction)**

The Community Corrections Division operates the Work/Education Release (WER) Program which is an alcohol and drug free residential alternative for offenders who are employed or are in one of the County's special treatment courts. When not at work or treatment, offenders are required to be in the WER facility. Offenders are involved in a case management process that directs them to structured programs and/or treatment. The program operates primarily with 79 beds on the 10th floor of the King County Courthouse and 28 shared beds with the state Department of Corrections (two locations with 20 beds for men and eight for women). Participants can be pre-adjudicated or sentenced misdemeanants or felons.

The 2015-16 Adopted Budget reduced this program by cutting WER population by approximately half. The reduction was achieved by limiting the court’s ability to use the alternative for only employed offenders and Drug Court participants—it had previously been open to any person. The Executive’s Proposed 2017-18 Budget included the elimination of the Community Corrections Division’s Work/Education Release program. The King County Council revised this proposal in the 2017-18 Adopted Budget to continue Work/Education Release operations through 2017, with a potential closure sometime in 2018. In addition, the Council included in the 2017-18 Adopted Budget a proviso in the Office of Performance, Strategy and Budget (PSB) budget to analyze options for providing WER and EHD programs as an alternative to the potential program closure in 2018.

The Executive transmitted the required motion and the report entitled “Work Education Release and Electronic Home Detention Options for King County Proviso Response” on April 28, 2017. The report contained both short- and long-term recommendations to support these alternatives programs.

Recognizing the importance of maintaining viable alternatives to secure detention, the Council created the Special Committee on Alternatives to Secure Detention in 2017 with a goal of identifying interim and long-term options to keep the WER program open. The Committee’s initial meetings included briefings on the WER and EHD programs, along with all Community Corrections Division programs. Additionally, at several meetings, members were briefed by FMD staff on the types of facility options that might be considered for the relocation of the programs. The Committee also reviewed FMDs estimated costs and timelines for a Master Planning effort for both the short-term and long-term relocation of the Work/Release facility. At its September 27, 2017 meeting, the Committee adopted Motion 14972 which accepted the WER and EHD proviso report, but also amended the motion to include policy guidance for the continuation of the EHD and WER programs. The Committee amended the motion to include the following policy statement:

“King County’s work education/release and electronic home detention programs will be part of a continuum of programs that provide alternatives to incarceration, help reduce recidivism and racial disproportionality in the criminal justice system, and improve public safety.”

In addition, the Committee agreed with the proviso workgroup and acknowledged that the WER program should be continued through the 2017-2018 biennium. As a result, the Executive included in the 2017-18 Second Omnibus, a request for additional expenditure authority of $1.4 million ($461,000 revenue) for the WER program. The Council agreed to the request and, adopted in Ordinance 18602, the increase in the authority for WER funding, at existing operational levels, to maintain the program through 2018. The WER program was funded at these same levels for the 2019-2020 biennium.

With onset of the COVID pandemic and the need to protect both inmates and staff in the jail, the department took several actions. One of these actions was to close the WER program. DAJD reports that it released individuals from WER gradually over the 3rd and 4th weeks of March, closing it entirely on March 28th to create contingency housing (if needed for inmate social distancing) and reduce the chance of disease spread. According to data provided by DAJD, half of the program participants were either released or transferred to other alternative programs (such as electronic home monitoring).

In developing its 2021-2022 budget proposal and looking to meet its General Fund target reductions, the department is proposing the permanent closure of the WER program for a reduction of $2.7 million and 11.0 FTEs (10 Correctional Officers and one caseworker). The Executive notes that the condition of the facility on the 10th floor of the Courthouse was a major consideration in the decision to close WER. Architecturally, the Courthouse location is the same today as it was when it opened as the County’s jail in 1931 and is fundamentally unsuited for a modern corrections program in King County. In response to staff questions, the Executive notes that the WER in the King County Courthouse is planned to remain closed permanently and that there is no planning effort for a future WER program at present, and that it would not be possible to establish a new program unless funding were identified.

While the County program is proposed to close, the department notes that the County will allow DOC to house in secure detention up to 30 of their violators at any given time and in return the County will be provided 20 of DOC’s work release beds for County participants. If this proposal is adopted, the department reports that the County will need to negotiate with the DOC on actual terms of this new agreement to retain these beds.

**Issue 5 – Community Work Program Elimination (Reduction $2,192,919 & 8.0 FTEs and $600,000 revenue reduction)**

Among several alternatives programs, the Community Corrections Division manages the Community Work Program (CWP) which allows King County District Court to sentence offenders to work crews to perform supervised manual labor for various public service agencies. The program is designed to provide a diversion from jail for low-level, low-risk offenders and a visible restitution to the community (persons with misdemeanors, gross misdemeanors, fines, relicensing, Prosecuting Attorney Office Diversion, and Contempt Order Violators are all eligible to participate in the program). Offenders are sentenced directly to the CWP and may work off their fines, regain their driver’s license or complete the terms of their sentence by participating in the program. Individuals who are able to participate in work crew can receive credit towards King County District Court fines at the rate of $150 for every eight-hour day worked.

The Community Work Program (CWP) was closed early in the coronavirus crisis due to the need for social distancing. Rather than planning for a future reopening, the Executive directed DAJD and PSB to find a more efficient and less punitive way to provide participants a means to be relicensed and also use the fine repayment services available through CWP. The proposed reduction for the biennium is $2.2 million and 8.0 FTEs. The Executive reports that the PSB Criminal Justice Team is expected to work closely with DAJD and District Court in developing new options in conjunction with County’s Re-Licensing Programs.

**Issue 6 – Strategic Planning Process for the CFJC ($547,610)**

The executive proposed budget contains a proposal that would add $547,610 for the 2021-2022 biennium to develop a strategic plan for the future of juvenile detention at the Children and Family Justice Center (CFJC). According to the Executive, this proposal has two parts. The first would be the use of $247,611 for a TLT project manager position that runs through June 30, 2022 (although no TLT authority is being requested). The second element would be the expenditure of $300,000 to hire a firm to engage in a strategic planning process with the intent to develop a Master Plan that would propose a set of recommendations to achieve community safety needs of securing high-risk youth in an environment other than the current detention facility at the CFJC; along with options for an alternative use of the CFJC detention space.

According to materials provided by the Executive, “the project manager would report to the DAJD Juvenile Division Director, who will also serve as the project sponsor. As envisioned, the project plan will include:

* Legal research to outline and clarify federal, state, and local mandates regarding juvenile detention.
* Multi-level engagement process with community, labor representatives, juvenile justice practitioners, and other stakeholders to identify and explore alternatives to the current secure custody model and potential repurposing opportunities for the existing CFJC structure.
* Site visits to jurisdictions implementing promising practices supported by a community-based infrastructure to sustain effective alternatives to detention for high-risk, high-need, juveniles.
* Analysis of capital needs to support therapeutic residential care for youth unable to return home due to individual or community risks or needs.”

Executive staff note that the project timeline is not yet determined, but this work is intended to commence as early as possible in the 2021-2022 biennium.

**Response to Council Inquiries**

**Question 1: Does DAJD oversee Electronic Home Monitoring (EHM) 24-hours-a-day / 7-days-a-week and report violations to the Court?**

Answer: As of October 8, 2020, there were 213 individuals on EHM (DAJD is budgeted for 65 persons on EHM).   The County has significantly expanded the use of the EHM as part of its response to the COVID pandemic. Nevertheless, the use of EHM is restricted by state statute (for pretrial defendants: see RCW 10.21.015 regarding violent and sex offense restrictions, and for sentenced individuals: see RCW 9.94A.734 for restricted crimes). RCW 9.94A.736 requires that:

*“(2) A monitoring agency shall:*

1. *Provide notification within twenty-four hours to the court or other supervising agency when the monitoring agency discovers that the monitored individual is unaccounted for…”*

The placement of a person on EHM can occur pre-trial or as part of a criminal sentence. The decision to place a person on EHM is made by a judicial officer, with input from the PAO, defense attorney, and DAJD. Once placed on EHM, staff from the department’s Community Corrections Division (CCD) attach the equipment needed for monitoring after instructing the individuals on the program requirements.

The actual monitoring of persons is accomplished by a private vendor, which monitors 24 hours-a-day/7 days-a-week, where the vendor of the service notifies CCD immediately after the violation occurs via email. When there is a violation, CCD staff notify the court and the court can take a variety of actions, including ordering a hearing or issuing an arrest warrant.  It should be noted that the County does not have staff that go out to a participant’s home when there is a violation.  With the current system, CCD staff had not worked on weekends, or after regular business hours, since the court wasn’t working during these hours.

The department has noted that:

* DAJD’s Electronic Home Monitoring vendor, BI, monitors participants 24/7;
* DAJD’s caseworkers are notified in real time by the vendor when a violation occurs;
* DAJD is staffed to send notices of violations to the court Monday through Friday 0730-1600;
* If a violation occurs outside of caseworker coverage hours, a caseworker will send a notice of violation the next business day; and,

Effective on October 3, 2020, DAJD began providing four hours of caseworker coverage on overtime each day on Saturdays and Sundays. This effort is planned as a pilot project to develop better data on the number of violators during these times. However, the department notes that it can provide this coverage now but has no proposal to carry forward this coverage into the biennium.

Staff have requested further information on this question.

**Question 2: Will DAJD’s proposed cuts to its juvenile detention staff be subject to evaluation before being implemented? This questions also applies to proposed reductions—in the Superior Court budget—for juvenile probation staff.**

Answer: According to the Executive, the proposed 2022 reductions for juvenile probation and detention staff are placeholders and will be revised after the County has better developed the Restorative Community Pathways program.

1. Medical, dental, and psychiatric services for adults in secure detention are provided by the Department of Public Health and the costs of these services are reflected in the Jail Health Services budget. (The Jail Health Services budget is presented in a separate staff report). [↑](#footnote-ref-1)
2. Juvenile Justice Operational Master Plan Ordinance 13916, adopted August 7, 2000 and the Adult Justice Operational Master Plan Ordinance 14430, adopted July 22, 2002. [↑](#footnote-ref-2)
3. The PALS program invests in community partnerships with behavioral health and other human services providers to intervene and assist adult individuals referred by King County Superior Court and courts of limited jurisdiction located in South King County by providing responsive services and supports based on validated screening and needs assessment. Such assessment services are centralized in one location in Kent to streamline linkage and access to needed and ongoing services that are provided in the individual’s local community. 1) Access to PALS is available to adult individuals on felony pretrial status through King County Superior Court in Kent (Maleng Regional Justice Center); 2) Access to PALS is also available to adult individuals on misdemeanor pretrial status through municipal courts located in South King County; and 3) Participants must have an address in South King County or have family or community ties to South King County if experiencing homelessness or unstable housing at time of placement. The PALS program is funded from state Medicaid allocated via the Washington State Health Care Authority to Managed Care Plans operating within King County that subcontract with King County DCHS to provide integrated behavioral health services to publicly funded individuals who reside in King County or are experiencing homelessness and the Mental Illness and Drug Dependency (MIDD) sales tax revenues (administered by DCHS). [↑](#footnote-ref-3)
4. For example, the PAO proposes to divert approximately 1,000 of the lowest-level first time felonies and some misdemeanor filings from the judicial system each year and refer these people to community-based alternatives that emphasizes restorative justice and restoration for harmed parties. According to the PAO, after reviewing law enforcement referrals for eligibility, cases would be referred prior to the Prosecutor filing charges in order to avoid the involvement of the judicial system. The program will be focused on first time felony offenders committing property and drug related offenses. Defendants who commit similar misdemeanors will be offered the opportunity to participate as well. The major components of this program have not yet been finalized. [↑](#footnote-ref-4)
5. Over $10 million as of August 2020. [↑](#footnote-ref-5)