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Title: AN ORDINANCE relating to limiting contracting for secure detention; and amending Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120.

Sponsors: Dave Upthegrove

Indexes: Adult and Juvenile Detention

Code sections:

Attachments: 1. Ordinance 18560.pdf, 2. 2016-0550_SR_DAJD_Non-Govt Contracting.docx, 3. 2016-0550_ATT1_ProposedOrdinance.pdf, 4. 2016-0550_ATT_2_Amendment 1.docx, 5. 2016-0550_ATT_3_Title Amendment.docx, 6. 2016-0550_RevisedSR_DAJD_Non-Govt Contracting.docx

Date	Ver.	Action By	Action	Result
8/14/2017	2	Metropolitan King County Council	Hearing Held	
8/14/2017	2	Metropolitan King County Council	Passed	Pass
7/25/2017	1	Law and Justice Committee	Passed Out of Committee Without a Recommendation	Pass
1/23/2017	1	Metropolitan King County Council	Reintroduced	
11/28/2016	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to limiting contracting for secure detention; and amending Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120.

PREAMBLE:

In 2000, the county council recognized that increases in criminal justice expenditures were outpacing the county's ability to pay for these increases, and the county council required the development of master plans for both the county's adult and juvenile criminal justice systems in order to reduce crime and the need for new detention facilities. As a result, King County's criminal justice system leaders engaged in an intensive effort to: explore alternative types of sanctions; identify justice system process improvements; improve the use of limited detention resources in order to promote public safety; and, preserve detention capacity for those offenders

for whom jail is the only option. The county now makes use of a variety of local community services and programs for offenders to reduce recidivism and the county seeks to ensure that inmates have access to families and the community to ensure successful reentry after incarceration.

As a result of these efforts, the county has reduced its use of secure detention for adults and juveniles and maintains sufficient capacity to support current and projected secure detention needs.

Other jurisdictions, including the State of Washington and the federal Department of Homeland Security's Immigration and Customs Enforcement, have not been able to reduce secure detention caseloads and, as a result, contract with private, non-governmental entities, also known as private prisons, to house inmates in secure detention.

The existence of private prison service providers has become, in recent years, a focal point of controversy in the United States. Proponents stress that privately owned prisons operate with efficiencies not present in government-run systems and due to those efficiencies, have lower costs. However, national reviews contradict these assertions and have identified other negative issues associated with private prisons. Researchers have determined that contracts with private prison providers are not necessarily less expensive when all costs are considered, determined that there is lack of oversight of the contractors who provide the services, and that cost-saving measures in these institutions lead to conditions that put inmates and staff at risk. Additionally, the private detention facilities have little or no link to community services because the facilities are located out-of-state.

It is the intent of the council, therefore, that the county shall not use any private or nongovernmental secure detention providers to house any adult or juvenile detainees.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120 are each hereby amended to read as follows:

A.1. The department of adult and juvenile detention is responsible to manage and be fiscally accountable for the Seattle division, the Kent division, the juvenile division, the community corrections division and the administrative services division, each of which shall have equal standing within the department. Through the Seattle division and the Kent division, the department shall operate the King County adult correctional facility and the security operation of the work and education release unit in Seattle and the Regional Justice Center adult correctional facility in Kent. Through the juvenile division, the department shall operate the county's juvenile detention facility. Through the community corrections division the department shall administer programs that provide alternatives to confinement in the adult correctional facilities, as well as services and support functions directed toward reduction of the adult correctional facilities' populations. Through the administrative services division, the department shall administer personnel operation, budget and fiscal operations and other central support services for the department. In addition, the administrative services division shall be responsible for the administration and monitoring of jail health expenditures and services through a jail health levels of service agreement and contract with its health services contractor. The division shall monitor the provision of health care services and is responsible for ensuring that minimum inmate health care needs are met and monitoring the cost-containment provisions for both operational and health care related costs.

2. The judges of the superior court have final authority for approval of all screening criteria for admission to the juvenile detention facility and alternatives to confinement in the juvenile detention facility. The department shall implement such criteria approved by the superior court related to the juvenile detention facility. The department shall implement the criteria approved by the superior and district courts related to adult detention facilities and alternatives to confinement, subject to the eligibility conditions in subsections E. and F. of this section. The department may also accept, from the prosecuting attorney's pre-filing diversion

program, persons arrested for the following misdemeanor offenses for placement on work crews: possession of less than forty grams of marijuana (RCW 69.50.4014); minor in possession of alcohol (RCW 66.44.270); possession of drug paraphernalia (RCW 69.50.412); and unlawful bus or transit conduct (RCW 9.91.025, K.C.C. 28.96.010).

B. The duties of the Seattle division and the Kent division shall include the following:

1. House adult persons who are any combination of arrested for, charged for or held on investigation of a criminal offense.
2. House adult persons during trial, and before sentencing after conviction;
3. House adult persons serving sentences not exceeding one year;
4. Maintain records and process and identify property of persons confined or committed to correctional facilities operated by the division;
5. Perform functions related to residential and building security, including supervision of persons confined or committed to correctional facilities operated by the division;
6. Transport confined or committed adult persons to and from court and provide secure escort of those persons outside the facilities;
7. Provide nutritional meals daily to confined or committed adult persons, including preparation of special meals in response to medical and religious requirements;
8. Provide health care to confined or committed adult persons in conjunction with the Seattle-King County department of public health, including medical, dental and psychiatric care;
9. Provide social services to and for confined or committed adult persons, including, but not limited to, the following: classifying those persons; evaluating mentally ill or developmentally disabled confined or committed persons, including referral to available community programs; reviewing those persons with psychiatric problems; reviewing other special population groups; providing general population group management; and providing outside agency access to those persons including special visitation, library,

recreational and educational services; and

10. Ensure compliance with laws and regulations applicable to the management and operation of the correctional facilities.

C. The principle function of the juvenile division is to operate the county's juvenile detention facility in a safe, secure and humane manner as prescribed by state law and court rules. The juvenile division shall administer alternatives to secure detention as approved by the court, a school program, a health program and other related programs. The juvenile division shall be operated in a manner that will give reasonable access to the defense bar, juvenile probation counselors and social service providers and educators, consistent with appropriate security measures and public safety.

D. The duties of the administrative services division shall include administering personnel operations, budget and fiscal operations and other central support services involving all divisions in the department to ensure consistency and efficiency of operations. The department's director of the administrative services division shall oversee these operations and services, and the operations and services shall conform to county policies and procedures and to department guidelines and practices.

E. An individual is not eligible for the pretrial alternative to adult detention entitled community corrections alternative program basic if the individual is charged with a violent offense or sex offense and has one or more convictions of a violent offense or sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged offense.

F. An individual is not eligible for the pretrial alternative to adult detention entitled community corrections alternative program basic if the individual is charged with a domestic violence felony offense and has one or more convictions of a domestic violence felony offense, as defined in RCW 9.94A.525, in the ten years before the date of the charged offense.

G. The executive shall not enter into any contractual relationship with any private or nongovernmental entity for the provision of secure detention services to house

any adults or juveniles under the jurisdiction of the department under subsections B. and C. of this section.