

Legislation Details (With Text)

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Title:	AN ORDINANCE relating to the use of work crew for misdemeanor arrestees in the prosecuting attorney's office prefilng diversion program; and amending Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120 and Ordinance 14561, Section 9, as amended, and K.C.C. 2.16.122.		
Sponsors:	Joe McDermott		
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Attachments:	1. Ordinance 17456.pdf, 2. 2012-0397 transmittal letter.doc, 3. 2012-0397 fiscal note.xls, 4. 2012-0397 Staff report(10-24-12).doc, 5. 2012-0397 Staff Report (10-31-12).doc, 6. 2012-0397 Att. 1 - Striking Amendment S1.doc, 7. 2012-0397 Attac 2 Redline .doc, 8. 2012-0397 Striking Amendment S1.doc, 9. 2012-0397 Revised Staff Report.doc		

Date	Ver.	Action By	Action	Result
11/5/2012	2	Metropolitan King County Council	Hearing Held	
11/5/2012	2	Metropolitan King County Council	Passed	Pass
10/31/2012	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute Consent	Pass
10/24/2012	1	Budget and Fiscal Management Committee	Deferred	
10/1/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/01/2012

AN ORDINANCE relating to the use of work crew for misdemeanor arrestees in the prosecuting attorney's office prefilng diversion program; and amending Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120 and Ordinance 14561, Section 9, as amended, and K.C.C. 2.16.122.

STATEMENT OF FACTS:

1. The department of adult and juvenile detention, through its community corrections division, operates a series of alternatives to incarceration for pretrial defendants and sentenced offenders, including work and education release, electronic home detention, day reporting and work crew.

2. Currently, to participate in the alternatives to detention provided by the community corrections division, a defendant must be: ordered to the program by the court; statutorily eligible for the program; and satisfy program requirements.
3. The prosecuting attorney's office has developed a pre-filing diversion program for persons arrested for the following misdemeanor offenses: 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). As part of this diversion program, persons arrested for certain misdemeanor offenses would, in the sole discretion of the prosecutor's office, be provided an opportunity to avoid having criminal charges filed against them. The prosecutor's office would agree not to file criminal charges against the arrestee in exchange for the arrestee's agreement to serve on a work crew run by the community corrections division of the department of adult and juvenile detention. The community corrections division would send status updates to the prosecutor's office until the arrestee's work crew obligation is fulfilled. After completion, the charges will be declined. Failure to complete work crew service within a specified period would result in charges being filed.
4. While recognizing the inherent discretion of the prosecutor's office to make filing decisions, the council is committed to promoting justice and safety, as articulated in the King County Strategic Plan, by keeping people safe in their homes and communities. As the policy making body for King County, the council is authorizing the use of the community corrections division's work crew program for pre-filing diversion with the understanding that, in general, the persons participating will be first-time or low-level offenders who would otherwise be exclusively charged with one of the misdemeanors listed.
5. Implementation of this diversion program is appropriate given the nature of the crimes

involved and will create efficiencies for the prosecutor's office, the district court, the office of the public defender and the department of adult and juvenile detention.

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 prefiling 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.

SECTION 2. Ordinance 14561 Section 9, as amended and K.C.C. 2.16.122 are each hereby amended to read as follows:

A. The community corrections division is established as a subordinate administrative office under Section 350.10 of the King County Charter. The division manager shall be subject to Section 340 of the King County Charter, requiring that the appointed division manager be subject to council confirmation. The department shall provide administration, analytic and other support to the division.

B. The duties of the community corrections division shall include:

1. Based on screening criteria approved by the superior and district courts and eligibility conditions in subsections C. and D. of this section, implementation of alternatives to adult detention, including, but not limited to, electronic home detention, work and education release, day and evening reporting and work crews;

2. Assessment of the needs of adult persons placed in alternatives to detention; ~~((and))~~

3. Contracting with private nonprofit community agencies to provide services for relicensing offenders; and

4. Accepting, from the prosecuting attorney's prefilng diversion program, persons arrested for the following misdemeanor offenses for placement on work crews, provided that the division considers such placement to be appropriate in light of the capacity of the work crew program and admission criteria developed by the division in conjunction with the prosecuting attorney's office: 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).

C. 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.

D. 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.

SECTION 3. The prosecuting attorney's office shall file, by January 31, 2013, a paper original and an electronic copy of a report with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff for the law, justice, health and human services committee or its successor, detailing the

admission criteria developed by the division in conjunction with the prosecuting attorney's office.