

MOTION NO. 5780

1
2 A MOTION relating to the Sentencing Reform Act
3 of 1981 (R.C.W. 9.94A); stating County policy
4 regarding the same; requesting the Executive to
study the implications of the act and make
recommendations to the Council.

5 WHEREAS, the Sentencing Reform Act of 1981 will become
6 operational on July 1, 1984, and

7 WHEREAS, the act requires judges to sentence adult felony
8 offenders within standard sentence ranges, unless special
9 circumstances exist, and

10 WHEREAS, the act states, "...A sentence of not more than
11 one year of confinement shall be served in a facility operated
12 or utilized under contract, by the County...", and

13 WHEREAS, the 1983 Session of the Washington State
14 Legislature amended R.C.W. 9.94A by adding the following
15 section:

16 "The commission shall conduct an analysis of the
17 anticipated effects of the guidelines...on a representative
18 sample of counties. This analysis shall include, but not be
19 limited to, an estimate of the impact on jail population and
20 availability of alternatives in the community. The analysis
21 required by this section shall be filed at the beginning of the
22 1984 legislative session"; and

23 WHEREAS, the new King County jail will become operational
24 in mid to late 1984, and

25 WHEREAS, the new jail will have been constructed using
26 State bond funds awarded to King County pursuant to the
27 provisions of R.C.W. 70.48, the City and County Jail Act, and
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1 WHEREAS, pursuant to R.C.W. 70.48, the jail construction
2 funding awarded to King County by the State "...shall
3 constitute full funding of the cost of implementing the
4 physical plant standards" established by the State, and these
5 physical plant standards "shall not be mandatory unless...the
6 State fully funds the cost of implementing such standards," and

7 WHEREAS, under the Washington Administrative Code (WAC),
8 Chapter 289-13, the award of State funds to King County to
9 constuct a new jail meeting the State's physical plant
10 standards was based on a "...Jail population projection to the
11 year 2000 with supporting documentation as required by the
12 (Washington State Jail) commission.", and

13 WHEREAS, the original projection by the State Jail
14 Commission, completed in 1980, indicated that King County
15 needed a jail bed capacity of 1,225 to meet its needs through
16 the year 2000; and

17 WHEREAS, the State Jail Commission issued a revised
18 projection in November 1982, indicating King County's jail bed
19 capacity need through the year 2000 would be 1,313 beds, and

20 WHEREAS, the Commission's revised projection of 1,313 beds
21 could not take into consideration the possible impact of the
22 presumptive sentencing guidelines adopted by the 1983 State
23 Legislature; and

24 WHEREAS, additional jail population requiring bed capacity
25 above the 1,225 beds originally projected by the Commission
26 will have a major impact on the operating cost and secure
27 utilization of the new facility as well as on the County's
28 ability to meet the physical plant and custodial care standards
29 established by the State, and
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1 WHEREAS, under current pre-trial release and sentencing
2 procedures, the County's misdemeanor and felony jail
3 populations are likely to exceed the projected capacity of the
4 new facility, when it becomes operational, and

5 WHEREAS, the County is concerned that the immediate impact
6 of the Sentencing Reform Act of 1981 will be to seriously
7 overcrowd the new facility while providing no meaningful
8 mechanisms to deal with assumed overcrowding, and

9 WHEREAS, the Sentencing Guidelines Commission has made an
10 initial attempt to project the impact of the Act on local
11 jails, given assumptions regarding current state-wide capacity
12 to house sentenced felons in county jails, and

13 WHEREAS, the same Commission has initially concluded that
14 the Act will not result in the numbers of sentenced felons,
15 serving their terms in county jails, exceeding the jail
16 capacity planned to house felon sentenced offenders, and

17 WHEREAS, the Commission's conclusion was qualified by a
18 policy statement that: "It is the judgement of the Commission
19 that credit for time served pre-trial and implementation of the
20 statute's emphasis on alternatives to total confinement will
21 bring the Commission's guidelines within jail capacity...", and

22 WHEREAS, the policy statement went on to state: "...It is
23 noted, however, that meaningful alternatives to total
24 confinement must be created to enable judges to impose such
25 alternatives and thereby eliminate population in excess of
26 sentenced felon jail bed capacity", and

27 WHEREAS, the Act does not establish the responsibility for
28 funding and operating such alternatives to total confinement;
29 and

study

1 WHEREAS, the Sentencing Guidelines Commission will be
2 beginning, shortly, phase one of a two phase study project to
3 more specifically review the impact of this new law in
4 predicting the use of local jail capacity to house sentenced
5 felons, and

6 WHEREAS, the County will coordinate with the Commission on
7 the review of the Act's implications to King County, with a
8 draft report to be completed by the Commission in September
9 1983, and

10 WHEREAS, at a minimum, the County and the State should
11 review planned capacity recommendations, as a result of the
12 Act, from the standpoint of a range of possible levels of
13 population, and

14 WHEREAS, the range should assume a best and worst planned
15 estimate so as to allow the State and local governments to
16 develop contingency plans, prior to the Sentencing Reform Act
17 becoming operational in July 1984, and

18 WHEREAS, such contingency planning should deal with the
19 issue of local jail overcrowding, and

20 WHEREAS, the Act provides an emergency "triggering
21 mechanism" for reducing the population of State prisons should
22 the planned capacity of sentenced felons actually be exceeded,
23 and

24 WHEREAS, there is no counterpart emergency "triggering
25 mechanism" in the Act available to counties in the event that
26 jails become overcrowded, and

27 WHEREAS, the issue of the absence of a "triggering
28 mechanism" in the Act, available to local jails, is further
29 complicated by interlocal agreements with participating
30 jurisdictions, whose offenders are housed in the County's
31 consolidated facilities, under the provisions of R.C.W. 70.48
32 (City-County Jail Act), and
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1 WHEREAS, these agreements, contracts, required under R.C.W.
2 70.48 as a condition to secure State funding to construct new
3 jail facilities, do not provide the County clear authority to
4 affect other jurisdictions' prisoners in the event of
5 overcrowding, and

6 WHEREAS, under the provisions of Motion 5742, the Executive
7 and Council have recognized the need to directly address
8 numerous jail issues prior to the actual operation of the
9 County's new jail facilities,

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

11 The Executive is requested, in cooperation and in
12 coordination with the Washington State Sentencing Guidelines
13 Commission, to:

14 A. Initiate immediately, a review of the implications of
15 the Sentencing Guidelines Act of 1981 on the planned operation
16 of the new King County Jail.

17 B. Initiate a statistical review of the estimated impact
18 of the "presumptive" sentencing guidelines on the sentenced
19 felon population of the Jail, as part of the Commission's
20 proposed phase one study.

21 C. Propose contingency plans and policies for Council
22 review to deal with overcrowding in the new facility, should
23 the review indicate the need for the same.

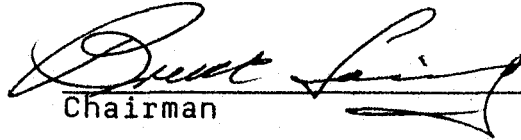
will not be done

Legislative Package

1 It is the intent of the Council that a review of the
2 implications of the Act, in cooperation with the Sentencing
3 Guidelines Commission, directly related to assumptions
4 regarding the utilization of the planned capacity of the new
5 jail, should be completed as soon as possible. But no later
6 than October 1983.

7 PASSED this 11th day of July, 1983.

8 KING COUNTY COUNCIL
9 KING COUNTY, WASHINGTON

10 
11 Chairman

12 ATTEST:

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14 
15 Clerk of the Council