



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 22, 2004

Motion 12042

Proposed No. 2004-0304.1

Sponsors Gossett

1 A MOTION approving the adult detention operational
2 master plan as requested in the 2003 Budget Ordinance,
3 Ordinance 14517, and Ordinance 14889.

4

5

6

 WHEREAS, the transmittal of this motion complies with provisions in the 2003
7 Budget Ordinance, Ordinance 14517, and Ordinance 14889, and

8

9

10

11

 WHEREAS, consistent with Motion 11696, the operational master plan advisory
group, comprised of representatives from the executive and legislative branches, assisted
with the selection of the consultant for the adult detention operational master plan
("OMP"), with the identification of key issues for the operational master plan and with
12 the review of the draft reports and findings, and

13

14

15

16

 WHEREAS, based on an extensive review of department operations, the
consultant in the adult detention operational master plan offers a wide array of concepts
and options, the most promising of which could lead to improvements in operations and
reductions in costs, and

17 WHEREAS, though the OMP is an excellent and important document, not every
18 recommendation will be supported by the executive and some items such as the
19 recommendations for contracting out are not consistent with current county policy, and

20 WHEREAS, jail operations are risky and complicated and the consequences of an
21 escape, serious assault, or death are severe for the safety of the public, county staff and
22 those citizens detained in King County facilities care, and

23 WHEREAS, to avoid any potential human and financial toll of prematurely
24 implementing OMP concepts, the department of adult and juvenile detention ("DAJD")
25 will prioritize operating safe and secure facilities to avoid any potential human and
26 financial impacts as it implements the steps and concepts recommended in the OMP, and

27 WHEREAS, in compliance with Ordinances 14517 and 14889, the executive has
28 transmitted the phase 1 implementation plan which outlines the next steps for concepts
29 and options that are feasible and consistent with current executive direction and adopted
30 county policy while still allowing DAJD to run safe and secure detention facilities, and

31 WHEREAS, the phase 1 implementation plan states that the department of adult
32 and juvenile detention will convene the operational master plan implementation advisory
33 group, consisting of representatives from the executive and legislative branches, to
34 review and provide feedback on the progress of implementing OMP options, and

35 WHEREAS, the phase 1 implementation plan also indicates that options with
36 greatest potential for savings require the effective transition to a new administration for
37 the department, the successful completion of the integrated security project in 2006,
38 investments in other technology and detailed operational planning and testing;

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

Motion 12042

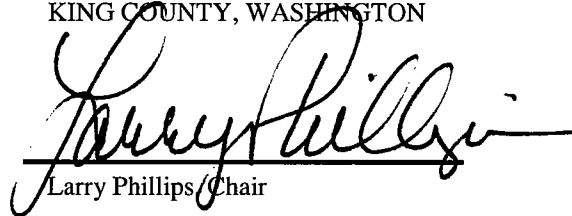
40 The adult detention operational master plan, in substantially the form attached to
41 this motion, is hereby approved.

42

Motion 12042 was introduced on 6/28/2004 and passed by the Metropolitan King County Council on 11/22/2004, by the following vote:

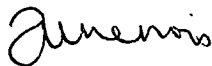
Yes: 12 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine
No: 0
Excused: 1 - Mr. McKenna

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips/Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments

A. King County Department of Adult and Juvenile Detention-Adult Detention Operational Master Plan-June 2004, B. King County Department of Adult and Juvenile Detention-Adult Detention Operational Master Plan-Appendices-June 2004

2004-304

ATTACHMENT A.

**KING COUNTY
DEPARTMENT OF ADULT AND JUVENILE DETENTION**

ADULT DETENTION OPERATIONAL MASTER PLAN

JUNE 2004

Christopher Murray & Associates
2016 18th Ave East
Seattle, Washington 98112

Kathleen Gookin
Criminal Justice Planning Services

Sandy Zirulnik
On-Line Electric

William C. Collins
Attorney at Law

Kathleen Alves
Healthcare Delivery Systems

12042

ADULT DETENTION OPERATIONAL MASTER PLAN

TABLE OF CONTENTS

SECTION	PAGE
EXECUTIVE SUMMARY	
Background	1
Key Findings of the OMP	2
Organization of the OMP	2
Operational Alternatives.....	3
A Note of Caution	8
Conclusion.....	8
1. CURRENT PRACTICES	
Introduction	10
The Policy Basis for DAJD Operations	10
Administration.....	13
Intake, Transfer, and Release	14
Classification and Housing Assignment.....	17
Inmate Programs.....	20
Inmate Services	24
Court Detail	28
Living Unit Operations.....	31
Emergencies	34
Organizational Culture	37
2. CONSTRAINTS	
Introduction	39
The Hammer Settlement Agreement.....	41
Federal and State Law	44
King County Code and Ordinance	47
Contracts and Labor Agreements.....	48
Physical Plant Constraints – KCCF	53
Physical Plant Constraints – RJC	56
3. BASELINE REQUIREMENTS	
Introduction	58
Criteria for Establishing Baselines.....	58
Administration.....	60
Intake, Transfer, and Release	61
Classification of Inmates	61
Inmate Programs.....	62
Inmate Services	63
Court Detail	66
Custody Operations	66
Emergencies	68
Chapter Summary	68

4. BEST PRACTICE BENCHMARKS	
Introduction	70
The Selection Process.....	70
KCCF Comparison Facilities	73
RJC Comparison Facilities.....	74
KCCF Data	75
RJC Data	82
Chapter Summary.....	87
5. LONG-RANGE NEEDS	
Background	89
How Accurate Has the Forecast Been?	89
The OMP Forecast.....	91
Disaggregation of the Population Projection.....	93
Implications for System Capacity	100
AJOMP and Criminal Justice Council Initiatives	101
Chapter Summary.....	102
6. OPERATIONAL ALTERNATIVES	
Introduction	104
Summary of Findings.....	105
Option 1: Double Bunk RJC Units to 180% of Single Cell Capacity.....	109
Option 2: Providing Relief for Double Celled Units at the RJC.....	110
Option 3: Intake, Transfer, and Release Remodel.....	116
Option 4: Changes to the First Floor of the West Wing.....	120
Option 5: Remodel KCCF for Direct Supervision	123
Option 6: Food Service Alternatives.....	127
Option 7: Alternative Staffing of KCCF after Completing the ISP	132
Option 8: Technology.....	151
Option 9: Increase <i>Hammer</i> Capacity of KCCF	163
Option 10: Consolidated Booking.....	167
Option 11: Court Detail.....	170
Option 12: Expand the Regional Justice Center.....	174
Option 13: Replace the KCCF.....	177
Option 14: Use the West Wing for Work Release	181
Option 15: Women in Detention	193
Other Issues to Explore	198
GLOSSARY	200

APPENDICES

- A. Ordinance 14430, Approving Adult Justice Master Plan
- B. Crosswalk Between OMP Scope of Work and Work Products
- C. Benchmarks for Jail Health Services
- D. WASPC Guidelines for Local Correctional Facilities
- E. Inmate Supervision Requirements By Custody Level
- F. Jail Operation and the Constitution
- G. RCW's Affecting Jail Operation

ACKNOWLEDGEMENTS

The OMP consultants would like to thank the participants on the OMP Advisory Committee for their help and guidance in shaping this Operational Master Plan and accompanying Integrated Security Project Implementation Plan Report. In particular we would like to acknowledge the contribution of co-chairs Cheryle Broom, King County Auditor, and Steve Call, Director of the Office of Management and Budget, whose leadership proved critical on more than one occasion. Important elements of both the OMP and ISP Implementation Plan Report are the result of collaborative efforts between the consultants and the OMP Advisory Group. Technical review by the Auditor's Office was always insightful and helpful. Beth Goldberg, Supervisor in the Office of Management and Budget, worked closely with the consultants and DAJD administrators particularly during the development of alternatives and report drafting. Finally, the success of this Operational Master plan owes much to the courage, creativity, and tenacity which Larry Mayes, Michael Gedeon, and senior staff from the Department of Adult and Juvenile Detention brought to the difficult task of critically considering new and challenging ways to rethink how the department conducts its business.

OMP Advisory Committee Participants:

Cheryle Broom, King County Auditor (Co-Chair)
Steve Call, Director, Office of Management & Budget (Co-Chair)
Kathy Brown, Manager, Facilities Management Division
Clif Curry, Senior Legislative Analyst, King County Council
Rebecha Cusack, Legislative Lead Analyst, King County Council
Michael Gedeon, Interim Chief of Administration, DAJD
Beth Goldberg, Supervisor, Office of Management & Budget
David Layton, Legislative Analyst, King County Council
Larry Mayes, Interim Director, DAJD
Bud Parker, Supervisor, Facilities Management Division
Ron Perry, Principal Management Auditor, King County Auditor
Bette Pine, Manager, Jail Health Services
Polly St. John, Legislative Analyst, King County Council
Sheryl Whitney, Assistant County Executive
Bob Williams, Senior Financial Analyst, Facilities Management Division
Bob Thomas, King County Auditor's Office



KING COUNTY ADULT DETENTION OPERATIONAL MASTER PLAN

EXECUTIVE SUMMARY

BACKGROUND

In the 2003 budget the County Council approved a \$15.9 million budget to replace the security electronic systems and make certain improvements to Jail Health Services in the King County Correctional Facility (KCCF). Initially, expenditure authority for this project – known as the Integrated Security Project, or ISP - was restricted pending Council approval of an Operational Master Plan for the Adult Division of the Department of Adult and Juvenile Detention (DAJD). Subsequently, the Council approved partial release of funds for the ISP and agreed that the Operational Master Plan could proceed concurrently with the ISP provided that assurances were received that the ISP security electronics design would be compatible with OMP recommendations.

The Council assigned project management responsibilities of the OMP consultant's work to the Office of Management and Budget (OMB) and independent oversight of this effort to the Auditor's Office. Consistent with the Council's direction, the Auditor's Office and the OMB formed a joint executive and legislative Operational Master Plan Advisory Group to identify issues with, and review development of, the OMP and ISP. Staff from the council, the County Executive's office, the Auditor's Office, the Office of Management and Budget, Facilities Management Division, Jail Health Services, and DAJD participated. All agencies contributed staff resources and expertise to assist with the examination of an extensive list of options.

Another underlying reason for the Operational Master Plan is the fiscal crisis for the County's general fund. The projected deficits for the general fund are \$20 million per year for the foreseeable future. Planned expenditures for law, safety and justice for 2004 represent 70 percent of this fund.¹ The Department of Adult and Juvenile Detention with a budget of more than \$95 million in 2004², accounts for about 26 percent of the law, safety and justice expenditures and about 18 percent of the general fund expenditures.

This Operational Master Plan represents a major undertaking to identify possible efficiencies that should help reduce the cost of DAJD operations or temper cost increases should outside factors cause DAJD's workload to increase. While DAJD has made significant cuts and implemented a number of efficiencies over the past several years, the potential efficiencies identified in this OMP should help the department contribute, in part, to mitigating the fiscal crisis. However, given its magnitude, this crisis will require solutions that go beyond efficiencies from any one department and will likely involve major policy and operational changes for the entire criminal justice system.

¹ 2004 Adopted Budget , King County Office of Management and Budget.

² 2004 Adopted Budget (excluding Jail Health Services), King County Office of Management and Budget.

KEY FINDINGS OF THE OMP

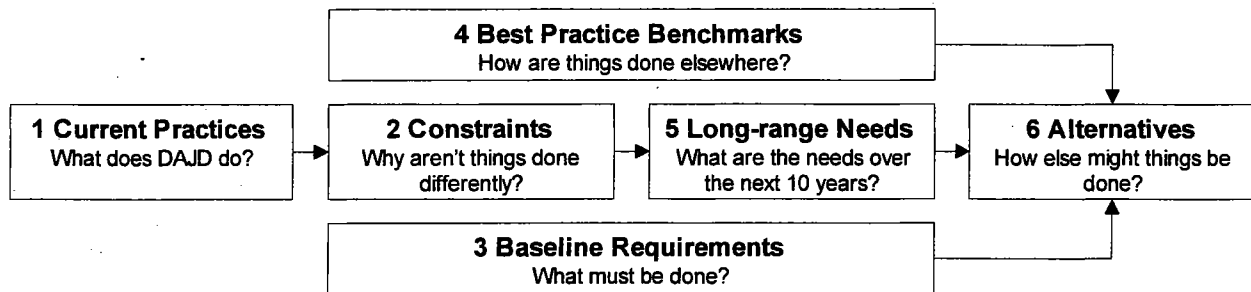
In this report the OMP consultant finds that:

- DAJD currently operates within commonly accepted correctional practices and has made changes in recent years to improve the efficiency of its operations.
- There are a number of promising options that together have the potential for significant cost savings in DAJD operations. Some options represent major shifts in the way the county jails are operated and will require testing, evaluation, refinement, and gradual implementation.
- The most promising options require completion of the ISP and other investments. The time required to do this will give the new DAJD administration time to review and offer thoughts on these options, including ways to test and improve them.
- While developing an Operational Master Plan at the same time as final design took place on the Integrated Security Project proved challenging, the OMP was able to influence ISP decisions in a positive way to preserve and enhance operational options for the OMP.
- Collaboration in some form should continue so that the County can build on this foundation to identify future efficiencies and policy considerations within DAJD and across the entire criminal justice system.

ORGANIZATION OF THE OMP

The *Adult Detention Operational Master Plan* has six main sections as listed, illustrated, and described below:

- **Current Practices:** What does DAJD do?
- **Constraints:** Why aren't things done differently?
- **Baseline Requirements:** What is the minimum that must be done?
- **Best Practice Benchmarks:** How are things done elsewhere?
- **Long-range Needs:** What will the future bring?
- **Alternatives:** How else might things be done?



The **Current Practices** chapter describes the policy basis and criteria for DAJD's operations in the areas of administration, Intake, Transfer and Release, classification and housing assignments, inmate programs and services, Court Detail, living unit operations, and emergencies.

The **Constraints** chapter discusses constraints on DAJD operations according to the following hierarchy: factors over which DAJD has little or no control, factors over which DAJD has some control, and factors over which DAJD has full control. Those in the first category include such things as state and federal laws and regulations, inmate population, court requirements, most parts of the Hammer Settlement Agreement, and current facility design. Those over which the

department has some control include collective bargaining agreements, staffing for operations such as Intake/Transfer/Release (ITR) and Court Detail, coordination with other criminal justice agencies, the use of alternatives to secure confinement for some offenders, issues relating to contracting municipalities, attendance policies, management of leave and compensatory time, and organizational culture. Finally, factors over which DAJD has full control include such things as staffing and inmate capacity at the Regional Justice Center, duties and responsibilities of correctional officers by post and shift, and use of intermittent posts as defined in the Hammer Settlement Agreement.³

The **Baseline Requirements** chapter describes the minimum that must be done in a wide variety of jail operations based on state law and administrative regulation, county code, and according to standards published by various state and national organizations. The areas covered in this chapter are the same as those discussed in Chapter 1, "Current Practices." The OMP finds that DAJD meets minimum requirements in all key areas. Current facility design, security electronics, and the Hammer Settlement Agreement require DAJD to exceed baseline requirements in regard to use of intermittent correctional officer posts and in jail health services.⁴ In particular, the Hammer Settlement Agreement requires that Jail Health Services maintain accreditation by the National Commission on Correctional Health Care (NCCHC). Nationally, only about 10 percent of all jails are accredited by NCCHC.

The **Best Practice Benchmarks** chapter attempts to identify reasonably comparable facilities in other parts of the country that are both efficient and effective in their operation. In this way it was hoped that benchmarks could be established to help inform decisions about changes in operations at DAJD. This part of the study was only partly successful. The OMP team found, after conferring with national organizations and conducting a literature review, that apparently no one has ever attempted to establish benchmarks for the numerous operations performed by jails. Some agencies are highly regarded for this or that program, but the combination of efficiency and effectiveness has apparently never been the criteria for success. In short, while some correctional practices – such as direct supervision – are identified as best practices, comparisons with other jurisdictions must be viewed with caution.

The **Long Range Needs** chapter examines future needs based on the recent inmate population projection for DAJD, including changes in classification mix and security needs as city-responsibility inmates are removed from the jail. A discussion of the effects of initiatives from the Adult Justice Operational Master Plan (AJOMP) and Criminal Justice Council is also included. This analysis concludes that DAJD should have sufficient capacity in secure detention throughout the 10 year horizon of this Operational Master Plan. Population pressures will, however, require that the currently vacant West Wing in the King County Correctional Facility be reopened for minimum security inmates. Over time, as the number of misdemeanants in jail goes down, there will be increased competition for lower risk offenders to fill partial confinement options (such as work release) and other alternatives to secure detention.

³ The Hammer Settlement Agreement provides latitude in how often certain correctional officer posts in the downtown jail must have an officer present. This issue is discussed in more detail in Chapter 2, "Constraints," and in some of the options discussed in Chapter 6, "Alternatives."

⁴ DAJD is not technically responsible for jail health services. That responsibility rests with the Seattle/King County Department of Public Health. Standards for jail operations universally include requirements for inmate health care.

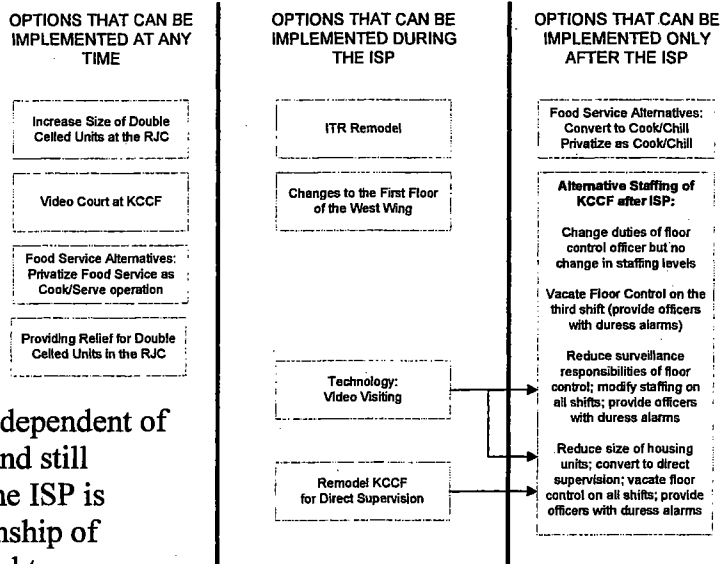
The **Alternatives** chapter is where the ideas and information developed through the previous chapters are brought together to present a variety of operational approaches that hold promise for more efficient and effective operation of DAJD's secure adult facilities.

There are several general observations that apply to many of the options discussed in this section. First, some of the ideas, particularly those that apply to future operation of the KCCF tower, represent fundamental changes in the way the jail is operated. Many of these ideas would be unthinkable in the absence of the improvements being implemented through the Integrated Security Project. It should be emphasized that no one has ever tried to operate the KCCF in the manner described in some of these options. While the OMP team believes that these approaches have strong potential, we cannot guarantee that they will work. Indeed, we strongly recommend that major initiatives be started on a small scale, be evaluated, and be expanded only upon demonstrated success.

A second general observation about the options discussed in the OMP is that many of them will require working with labor unions in order to implement them effectively. King County has a long history of supporting employee's right to organize and bargain collectively. Indeed, as of the writing of this report there were eleven labor agreements between the County and unions that represent DAJD employees. It will require cooperative efforts between DAJD and labor to creatively address the budget pressures on the agency and to find ways to implement some of the options discussed in this report.

OPERATIONAL ALTERNATIVES

Options discussed in the Alternatives chapter can be divided into four types: those that can be implemented more or less immediately, those that can be implemented in the near future, those that can only be implemented after completion of the ISP, and other promising ideas that may have benefit sometime in the future. These time frames generally relate to the ISP where some alternatives can go forward independent of the ISP; others can occur during the ISP; and still others cannot be implemented until after the ISP is completed. The sequence and inter-relationship of alternatives is shown in the figure to the right.



For those options that rely on completion of the ISP it should be emphasized that successful implementation of these options is not a foregone conclusion. Success will require testing, evaluation, refinement, and gradual implementation. Success will also require commitment on the part of senior management, correctional supervisors, and the correctional officers involved in testing and implementation to problem-solve in creative ways when obstacles are encountered.

Options that can be implemented more or less immediately

Double cell units at the RJC to 180 percent of single cell capacity: This idea, advanced early in the OMP process, has already been implemented by DAJD. At RJC populations above 1,100

this option saves 3.56 FTE's. Annualized, this represents a savings of about \$280,000. It should be noted that the current inmate population forecast suggests that RJC populations will usually be below 1,100. DAJD's current budget already assumes savings from this change.

Create a video court at the KCCF: Capital funds are already available to install video court technology in the KCCF. A small savings due to reduced transports to outlying District Courts should accrue to DAJD. Efficiency should also be experienced by District and Municipal Courts that use this service. Some efficiency in Superior Court arraignments may be possible if the court were to use this technology for that purpose.

Privatize food service in the jails: Many jails, including those in Pierce and Snohomish Counties, contract with private vendors for food service. The typical model is to have the vendor do all meal planning, procurement, management, and supervision of inmate kitchen workers. This option has the potential for savings, but is entirely dependent upon reaching agreement with a willing vendor. While changes in state law that take effect in July 2005 will do away with prior restrictions on "contracting out," privatizing work currently done by County employees would be a major issue for the County and its unions to address. Because the loading dock at the KCCF will be intensively used during the ISP, if privatized operation significantly increased deliveries to the KCCF, it could not be implemented until after the ISP was complete.

Providing relief for double celled units at the RJC: In the opinion of the OMP consultant team, DAJD's policy of adding a relief officer for each three housing units that are double celled is a reasonable and defensible policy. It is not clear, however, that this formulaic approach is equally appropriate at all levels of inmate population at the RJC. Additional study is needed before concluding that this policy should be modified. If additional analysis identifies appropriate alternatives, some savings may be generated.

Options that could be implemented in the near future

Remodel the ITR (Intake/Transfer/Release): A major remodel of ITR that would reduce staffing in this area and facilitate future efficiencies from technology improvements is discussed in the report. This option is "self-financing" in that staff savings offset capital investment with a payback period of less than 15 years. If approved by the County Council, this project could be implemented simultaneously with the Integrated Security Project.

Changes to the First Floor of the West Wing: Historically the first floor of the West Wing has been used to house up to 44 minimum security females. In addition, partly because this is where all visiting, outdoor recreation, and many programs take place for West Wing inmates, this floor is very busy during the day and evening. Other functions traditionally performed on this floor – such as providing intake for work release and electronic monitoring, and receiving many of the volunteers who provide services in the jail – further burden correctional officers working on this floor. If this floor were no longer used for inmate housing, security and control functions on the third shift could be provided by Central Control once this part of the ISP is completed. This would save 1.78 FTEs and about \$140,000 per year. Additional savings may be possible if all extraneous functions historically provided by officers on this floor are removed and creative ways can be found to provide escort of inmates to visiting, recreation, and programs. Achieving savings on the first and second shift is much more problematic than on the third shift alone. If feasible, cost avoidance on the order of \$285,000 to \$569,000 per year may be possible over all shifts.

Options that can only be implemented after completion of the ISP

Provide officers with duress alarms and Vacate Floor Control in the KCCF tower on the third shift: Floor Control is a control booth located in the center of each inmate housing floor in the KCCF tower. The officer at this post performs many essential functions which, prior to completion of the ISP, simply cannot be done by anyone else. At night, when inmates are locked in their cells, some of the more demanding requirements of this post are greatly reduced or eliminated altogether. After the ISP is complete, Central Control should be able to perform most – but not all – of the remaining functions of Floor Control. For this option to be successful, ways to accomplish these other tasks will have to be found. For example, if the Floor Control officer is not there, no one is observing officers in the housing units. Consequently, if this option is to be implemented, all appropriate personnel at the KCCF should be provided with duress alarms. This option has the potential to save 7.1 to 8.9 FTEs with annual savings of approximately \$568,000 to \$712,000 per year. The cost of providing duress alarms (which has not been estimated) would reduce savings in the first year. This option is an example where testing and evaluation on one floor is recommended before making a final decision.

Install video visiting, provide officers with duress alarms, and change staffing on KCCF tower floors on all shifts: Supervising inmate visiting and opening and closing doors for inmates going to and from visiting are among the most time consuming tasks performed by Floor Control officers on the first and second shift. By using technology to provide visiting inside the inmate housing units, the number of door openings on each floor would be reduced so that Central Control should be able to provide this function. By freeing Floor Control officers of this responsibility, and by reducing supervision requirements, the Floor Control officers should be able to leave the floor control booth and work in the core area just outside the housing wings of each floor. This would provide increased officer presence and improved supervision of inmate activities that take place off the central core on each floor. An alternative staffing plan is proposed that includes creation of a response and movement team and the addition of a third officer in central control, with an overall net reduction of staff on the first and second shift. In combination with vacating floor control on the third shift, this option may save between 16 and 17.8 FTEs or about \$1.3 to \$1.4 million per year. The cost of providing video visiting and duress alarms (which have not been estimated) would reduce savings in the first year. This option represents a major change in the way KCCF operates and should be tested and evaluated on a small scale before full implementation.

Convert the KCCF tower from indirect to direct supervision and change staffing on all shifts: Converting the KCCF tower to direct supervision could result in substantial savings but, under the most efficient scheme, results in the loss of about 92 beds. On floors where direct supervision is appropriate, converting the KCCF tower to direct supervision would require demolition of cells to provide space for visiting, recreation, sick call, and programs within each housing unit. This would eliminate all supervision requirements in the building core except those associated with inmate movement. Housing units with cells would be reduced to a level that would allow supervision by a single correctional officer. The larger dormitory units on each floor would require adding a second unit officer. Various changes – including providing a response and movement team and changing the way meals are delivered to the units – would reduce the responsibilities of the Activity Officers on each floor. The OMP team believes that a net reduction of between 28.5 and 30.3 FTEs is within the realm of possibility. This represents an annual savings of between approximately \$2.3 and \$2.4 million per year. Because of loss in

capacity, per capita costs would go up and – if additional capacity must be provided elsewhere to offset the loss of capacity in the tower – the maximum net savings per year is estimated at approximately \$1,677,000. In addition, there would be significant construction costs which were not estimated for the OMP.

Centralize most food service operations: The kitchen at the RJC was constructed so that meals could be prepared using modern cook/chill methods. Cook/chill systems can prepare large quantities of food faster than traditional cook and serve operations. Pre-cooked food can be stored for up to seven days and re-thermalized for serving later. There is a difference of opinion between the food service consultant with whom the OMP team consulted and food service management in DAJD about the capability of the RJC's cook/chill equipment. If the food service consultant is correct, some staff savings should be possible by converting to cook/chill. Quantification of such savings is quite technical and, in the absence of basic agreement about what is possible, no attempt has been made to do so. Centralized food service could be provided using existing DAJD food service personnel or through contacting for the service with a private vendor. Because centralized food service would increase deliveries to KCCF this option could not be implemented until after the ISP is complete and the loading dock is returned to its normal condition. In the opinion of the OMP team, this option merits further study and consideration.

Other promising ideas

Information Technology: The Law and Justice Integration Project, the Network Infrastructure Optimization project, and other information technology initiatives have the promise of providing efficiencies in certain parts of DAJD's operations. This is particularly true in ITR, classification, and perhaps Court Detail and inmate transports. New applications software for various aspects of inmate management would provide improvements in documentation, accountability, and management. While some areas can be made more efficient through appropriate technology, it is unlikely that any technology – other than that being implemented by the ISP – would result in measurable savings in housing unit operations.

Court Detail: The main way to achieve savings in Court Detail is to reduce the number of scheduled and unscheduled requests from the courts. For example, if cases in Superior Court required fewer hearings on average, Court Detail would have fewer requests for transports. Whether this is possible is outside the scope of the OMP. We recommend that the County explore this issue through continued inter-agency initiatives (AJOMP II) and cooperation (Criminal Justice Council). Minor efficiencies should be expected from planned expansion in the use of scheduling software for in-custody defendants.

Increase *Hammer* Capacity of KCCF: The number of inmates who can be housed in the KCCF is limited by terms of the Hammer Settlement Agreement. In the opinion of the OMP team, if Jail Health Services is successful at reducing the number of inmates who require mental health supervision in single cells, and if dormitory units are used to house up to 160 inmates, the capacity of the KCCF tower could likely be increased by about 120 additional beds. Any such change would require agreement by counsel for the *Hammer* plaintiff.

Expand the RJC: The RJC was planned for construction of four additional 64-bed housing units. While not an efficiency per se, expansion of the RJC would be far less expensive both in terms of construction and future operating costs than providing the equivalent capacity at a new location.

Other Alternatives Considered in the OMP: After review and analysis, other ideas discussed in the OMP were found not to be cost-effective. These include elimination of booking at the RJC, replacement of KCCF, and relocation of work release to the West Wing.

Other Issues to Explore: Some ideas, including some surfaced toward the end of the OMP process, merit further study and consideration. These include: preparing capital cost estimates for the more promising options identified in the OMP; possible alternative ways to provide relief and escort functions when RJC units are double celled; renegotiation of collective bargaining agreements to increase flexibility in staff assignments, reduce the number of job classifications, expand the use of inmate labor, and implement other efficiencies; inter-agency review of criminal case processing; developing staffing standards for the department's facilities; and exploring the option of reducing booking operations at the RJC to fewer hours a day rather than transferring it in total to the KCCF.

Additional study and follow-up in the areas of technology, Court Detail, and Jail Health Services is needed to more fully explore the potential for efficiencies and cost savings in these areas. Study of each of these areas will require multi-agency cooperation and collaboration.

A NOTE OF CAUTION

As decision makers consider ways to reduce DAJD costs it is well to remember that:

- **Jail is a serious business.** It is easy to be alarmist about the risks of operating a jail - but the risks are real. One serious mistake can make all the cost cutting ideas contained in this document seem trivial and end up costing the county more than it saved. If costs are to be cut, they must be cut in a thoughtful way.
- **There are things that DAJD controls, things that the county controls, and things that no one controls that affect jail costs.** Outside forces such as changes in crime rates, increased gang activity, or a new drug epidemic can greatly affect the number of people for whom DAJD has responsibility. Economic pressures that affect wage rates, or negotiations that affect all county employees, can cause DAJD costs to rise. In short, while there is much that DAJD and the County can control, there are other factors at work as well.
- **Most of the ideas raised in this OMP will be implemented by people who did not participate in the process.** This OMP has been prepared entirely under an interim DAJD administration. A new director will want, and should be given the opportunity, to review the ideas advanced in this document and add his or her perspective on how the agency should operate in the future.

CONCLUSION

Seven years ago criminal justice costs constituted 60 percent of general fund (CX) expenditures in King County. Now, in 2004, criminal justice costs constitute 70 percent of general fund expenditures. If current trends continue, at some point in the not too distant future, King County will not be able to afford anything but its mandated obligations.

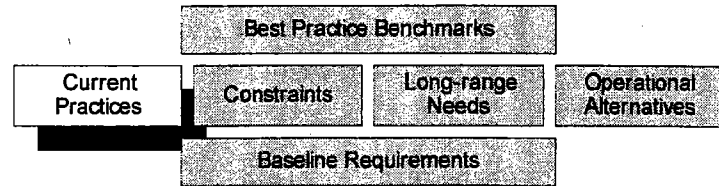
DAJD, whose 2004 expenditures represent about 18 percent of the general fund, will be required, along with virtually all other agencies, to shoulder some of the burden from the county's current fiscal crisis. This Operational Master Plan has identified areas where additional efficiencies in

DAJD operations should be possible and has hopefully provided a roadmap for the county to take advantage of savings without jeopardizing public safety or the safety and security of jail operations.

The most promising operational alternatives identified in this OMP are made possible by the Integrated Security Project. Because that project will not be completed until 2006, no savings from the ISP should be expected prior to that time. Testing, evaluation, refinement, and gradual implementation of new ways of operating the building may delay savings beyond the completion date of the ISP.

CHAPTER 1

CURRENT PRACTICES



INTRODUCTION

The purpose of this chapter is to describe the major operational practices of DAJD and to identify, where possible, the underlying policy or philosophical basis for these practices.

As alternatives are considered later in this Operational Master Plan some of these policy or philosophical underpinnings may be challenged. By articulating the reasons behind current practices and how alternatives may affect these reasons, decision makers should have a clearer understanding of some of the non-fiscal trade-offs involved in the issues they are considering.

To meet this overall objective, Chapter 1 describes the current policies, operational criteria and practices at both the KCCF and RJC. We find the policy basis for operations delineated in DAJD's mission statement and in County Code. Criteria are often citations of law, collective bargaining agreements, standards of the American Correctional Association, DAJD's General Policy Manual and other DAJD written memoranda. The major sections of this chapter include:

- Policy basis for operations
- Criteria for general operations
- Administration
- Intake, Transfer and Release
- Classification and Housing Assignments
- Inmate Programs and Services
- Court Detail
- Living Unit Operations
- Emergencies

THE POLICY BASIS FOR DAJD OPERATIONS

The most fundamental expressions of the underlying policy assumptions by which DAJD operates its adult detention facilities are found in the department's mission statement and in King County Code. At the risk of belaboring what to many might seem obvious, we examine these statements in detail, parsing their content as a means of delineating those assumptions.

The department's mission statement is as follows:

"The DAJD contributes to public safety by operating safe, secure, and humane detention facilities and community corrections programs, in an innovative and cost-effective manner."⁵

What, exactly, does this mean?

⁵ DAJD General Policy Manual, 1.01.007 Mission Statement

“The DAJD contributes to public safety”: DAJD is a *contributor* to public safety. It is not the primary public safety entity and certainly not the only one. It is part of a broader system to which it makes important contributions and with which it interacts.

“by operating *safe* ... detention facilities”: DAJD’s detention facilities are to be safe for staff, visitors and inmates. Elimination of harm is the goal; in a sometimes dangerous environment, minimization of harm is the realistic objective.

“by operating *secure* ... detention facilities”: Security enhances public safety directly by incapacitating individuals who pose a threat to the community. It enhances public safety indirectly by helping maintain respect for the law and its power to enforce its expectations and sanctions. With dangerous inmates, security also contributes to safety within detention facilities.

“by operating *humane* ... detention facilities”: In a passive sense, humane may only imply the absence of its opposite. For example, in the 1970’s there was a popular phrase in correctional circles saying “prisoners are sent to jail *as* punishment, not *for* punishment.” In an active sense, humane implies sympathy, kindness, and respect for the humanity of those incarcerated. On a practical level, conditions of confinement issues are often sources of litigation.

“and community corrections programs”: DAJD provides not only detention but community-based alternatives to detention. Since community-based programs do not enhance public safety through incapacitation, their contribution to public safety is in their ability to help maintain respect for the law and to meet other objectives such as rehabilitation and restitution.

“in an innovative ... manner”: DAJD includes as part of its mission that it be creative and look for new ways to accomplish its objectives. Its goal is to seek new solutions to new and old problems. This is not always an easy task in a line of work that is often cautious and conservative.

“in a ... cost-effective manner”: Like all public entities, DAJD has a fiduciary responsibility to the taxpayers who finance its operations. But “cost-effective” is not the same as “cheap.” With reasonable expenditure of taxpayer dollars, DAJD strives to effectively fulfill its objectives, pursue its goals, and live up to its mission.

King County Code provides another expression of the policy basis for DAJD operations. In addition to charging the department to manage and be fiscally responsible for its five divisions, County Code delineates ten duties of DAJD.⁶ As with the department’s mission statement we examine each of these ten duties in detail. They are:

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;*

⁶ King County Code, Chapter 2.16.120, Section B.

Exercise fiscal responsibility: Like all public agencies, DAJD is charged to be fiscally responsible for its operations. One area where this is applicable is in the department's management of overtime. For example, the collective bargaining agreement with the Corrections Guild states explicitly that "it is the Department's policy to minimize the use of overtime..."⁷

House adult persons: The decision about who to admit, how long a person stays, and who to release is made by other players in the justice system. In many respects jails are reactive institutions.

4. *Maintain records and process and identify property of persons confined or committed to correctional facilities operated by the division;*

Maintain records and process and identify property: The justice system demands documentation and a modern jail can tell you where everyone is every minute of the day. Personal property is not allowed once a person has been booked into jail. The clothes they wear, the money in their pockets, the things they carry, must all be inventoried and receipted, safely stored, and promptly returned upon release.

5. *Perform functions related to residential and building security, including supervision of persons confined or committed to correctional facilities operated by the division;*

Security ... of persons confined or committed: The department is not only responsible for enhancing public safety through confinement of adults charged with or convicted of crimes, it is responsible for providing a safe and secure environment for those persons in its custody. Inmates are to be kept safe from other inmates and safe from abusive conditions or treatment.

6. *Transport confined or committed adult persons to and from court and provide secure escort of those persons outside the facilities;*

Transport confined or committed adult persons: The jail's responsibility does not end at the front door. Inmates are brought to and from court on a regular basis. The timely arrival of in-custody defendants for court hearings is both an expectation of the court and an efficiency for all those who are involved in the hearing. Inmates who need hospitalization or specialized medical care must be escorted to the community for treatment. Providing security is particularly labor intensive when the physical barriers of jail walls and doors are not present.

7. *Provide nutritional meals daily to confined or committed adult persons, including preparation of special meals in response to medical and religious requirements;*

Provide nutritional ... and special meals: Providing nutritional meals for several thousand people per day is a major undertaking. Complicating matters is that with this many people there are hundreds of individualized meals to prepare each day for diabetics, people on special medical diets, Moslems, Jews, vegetarians, and others.

⁷ Agreement Between King County and King County Corrections Guild, Department Of Adult And Juvenile Detention, Article 9, Section 1.

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;*

Provide ... medical, dental and psychiatric care: Health care costs are rising everywhere and, as a group, inmates are less healthy than the public at large. Additionally, drug dependent inmates sometimes seek medical and dental health care for the purpose of obtaining pain medication. Studies have found that mental illness is three to four times as prevalent in the inmate population as in the general public.

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;*

Provide social services: Some communities do little more than warehouse persons in jail while they await trial or serve their sentences. Community values in King County call for a higher standard. For a variety of reasons many people in jail do not function well and it has long been a priority of King County to do what it can to assist these people so that, among other things, there is hope they will be better citizens in the future.

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

Ensure compliance with laws and regulations: There are many, many laws, regulations, court cases, and contractual agreements that govern how correctional facilities are to be operated. Correctional managers, including mid-level managers such as sergeants and captains, must be familiar with a large body of knowledge. Functions such as booking, commitment, and release are particularly specialized. Correctional facilities that fail in any of these matters are commonly sued – often at great expense.

ADMINISTRATION

The DAJD is administered by a director who reports to the King County Executive. It has two divisions that provide adult detention services: the Kent Division, and the Seattle Division.⁸ DAJD also has a Juvenile Division, an Administrative Services Division and an Internal Investigations Unit. (A separate Community Corrections Division reports to the Deputy County Executive.) Each of the adult detention divisions has a facility commander with a full chain of command that is overseen by a major. The ranks within the uniformed officers include:

- Major
- Captain
- Corrections Sergeant
- Corrections Officer
- Corrections Technician

⁸ DAJD Organization Chart, May 13, 2003.

General functions of the two jails are provided by DAJD staff with the exception of maintenance (provided by the King County Division of Facilities Maintenance) and health services (provided by Public Health: Seattle/King County).

Within each of the adult detention divisions are the following departments:

- Housing security
- Intake, Transfer and Release
- Court Detail (officer escorts to court and outside medical services)
- Dietary Services
- Inmate Management and Services, including
 - Classification
 - Court Services (pre-trial screening)
 - Contracted and Volunteer Programs
- Maintenance and Supply

The Intake/Transfer/Release, Court Detail and Administrative Captains, as well as the Food Services Supervisor and Corrections Program Administrator are shared between the two divisions. In 2003 the Seattle Division had 392 budgeted FTEs and the Kent Division had 262 - for a total of 654 FTEs. The Seattle and Kent Divisions comprise 73% of the total DAJD staff.⁹

INTAKE, TRANSFER AND RELEASE (ITR)

ITR is the area for pre-booking, booking, intake prep, transfers and releases from the jail, and transport between facilities. In 2002, KCCF's monthly average for bookings was 3,092 and the RJC's monthly average was 1,240.¹⁰ Total bookings in 2003 were approximately the same. At KCCF, ITR is a 24/7 operation. At the RJC, the booking operation is 10 hours per day, five days per week.

The reduction in ITR operating hours at the RJC was an efficiency implemented by DAJD relatively recently. While somewhat diminishing the level of service the department provides to south-county law enforcement agencies, this change resulted in a net reduction of 16 FTEs and an annual savings of over \$925,000.

Based on a regional agreement, law enforcement books at the RJC if the location of the arrest is outside of the City of Seattle and south of I-90. Otherwise, the booking location is KCCF. This boundary generally aligns with the case assignment areas for King County Superior Court and the jurisdictions of District Court Divisions and municipal courts. However, the inmate may be taken to the jail in the "wrong" case assignment area if the booking operation at the RJC is closed or the location of the crime is different than the arrest location. In these cases, the inmates are booked, held, and transported later to the appropriate facility.

The ITR functions at both facilities are administered by one captain. Each shift is supervised by shift sergeants and operated by correctional officers.

⁹ DAJD Organization Chart, May 13, 2003.

¹⁰ Big 5 Report, Section 4, page 6, DAJD, April 2003

Admissions to the KCCF and the RJC occur as a result of:

- Direct citation (arrest)
- Commitment (post-sentenced offenders reporting to serve time)
- Court complaint (surrenders to warrants)
- Community custody violators

Pre-booking

This is the point of entry for admissions to the jails. Typically, law enforcement officers bring arrestees to the pre-booking area for pat-down and electronic search, completion of arrest paperwork and cash accounting (by the arresting agency). Personal property, except clothing, is taken. A brief assessment is made to determine if arrestees are medically fit for admission. If not, arresting officers must take their arrestees to a community-based medical facility for treatment before the arrestee will be accepted for booking. Once cleared by pre-booking, arrestees are moved to a holding cell at the KCCF or the Booking Waiting Area or holding cell at the RJC.

Booking

The Booking Area is where the arrestee is officially booked into the jail and becomes an inmate. This is a one- to two-hour process where appropriate legal documentation and electronic information are reviewed and verified. The booking officer will enter the arrestee's booking charge(s) in the jail computer system, conduct a warrant check, inventory valuables, and collect from the arrestee additional personal information including identity and medical needs. The officer will also explain charges, bail required, and the procedures for bail/bond and personal recognizance.

Information is entered into computers, records checks are performed for bookable warrants, photographs and fingerprints are taken. A strip search decision is made at this time. However, a recent court order restricts the circumstances under which strip searches can be conducted (especially on misdemeanants).¹¹

Following booking, inmates go to Intake Prep in groups, an area where they may be held for up to four hours. At this point, Personal Recognizance Screeners gather information for the court about the arrestee, provide information to the inmates about the bail/bond process, and make personal recognizance decisions. Inmate general housing assignment (including KCCF vs. RJC) is also made during the intake process. Classification staff (Corrections Program Specialists) determine whether the inmate will be sent to the RJC, to KCCF special housing, or to have an expedited initial classification to identify special needs or concerns. Otherwise, inmates are dressed out in jail uniforms, a jail wristband is applied, and they are sent in groups to the receiving unit (9 south for men and 9 north for women). Inmate clothing is placed in a storage bag, sealed, and tagged for identification. If the inmate has a history of behavior problems (e.g., Administrative Segregation or Ultra Security) or has a special need, he/she is moved individually.

Since KCCF opened, there has been one significant remodel of this area. Under the present Integrated Security Project some cameras are to be added in the ITR. Additional changes may take place as a result of re-programming for Jail Health Services that is currently taking place.

¹¹ (Need to cite the court decision)

At the RJC, portions of the process occur in a different order. In particular, inmates are dressed out in jail-issued clothing just after pre-booking. This makes it easier to keep new arrestees separate from inmates brought in on buses as part of the Cooperative Prisoner Transport program. This is particularly important since the RJC uses direct supervision in booking (although individual inmates and small groups can be placed in holding cells).

Release

The release process is the reverse of booking. Paperwork is checked, a new warrant check is done, and money and property are prepared for release. The housing unit officer is notified to send the inmate to ITR. The inmate then goes through an identification process, including a fingerprint check against prints made at booking. Computer records are cross-referenced to the actual paperwork in the booking packet to support the authorization to release. This information is put in a packet that is then reviewed and signed by a sergeant.

After the sergeant reviews the release packet, the inmate is then escorted to leave.

Transfer

The transfer process of moving an inmate from one facility to another is similar to release, except that the inmate is placed in restraints and his/her property is transported to the receiving facility via a transport officer. The inmate's medical records are also assembled and sent to the receiving facility. The transfer process also includes coordinating with law enforcement for the temporary release of inmates for transport to local municipal courts.

There is limited vehicle sallyport capacity at KCCF due to the size of the sallyport and the number of agencies taking their vehicles into it each day. Some large prisoner transport buses cannot drive all of the way through to the James Street exit. When the bus is in the sallyport, or the sallyport otherwise is crowded with law enforcement or emergency medical vehicles, police officers often park on the street and walk arrestees into the jail. Conversely, the RJC has a large sallyport and operates as a regional hub for the multi-state Cooperative Prisoner Transport program.

This transportation hub function provided by the RJC means that the RJC often has to correct or complete paperwork that should have been done by other agencies. For example, an upstream agency may have missed (or not looked for) out-of-state warrants or immigration holds. If the RJC discovers a warrant from another jurisdiction, the paperwork presents a workload on a non-King County inmate.

Transports between King County Jail Facilities

Every day there are six round trips between KCCF and the RJC for purposes of moving inmates between the two facilities for such reasons as court, medical and/or psychiatric issues, classification, and population management. Based on a two month sample of data provided by DAJD,¹² an average of 109 inmates are transported each weekday between KCCF and the RJC. There was considerable variance over the course of this two month period – the standard deviation was 29.4. This means that on about two-thirds of the weekdays during this period there were 138 or fewer inmates transported between facilities. The average for weekend days is less

¹² June and July 2003

than half that of weekdays. Each division has a transport coordinator to schedule and facilitate this process.

Miscellaneous ITR Issues

DOC Hearings

Department of Corrections (DOC) hearings for state-responsibility inmates detained for an alleged community custody violation are held at both the KCCF and the RJC. However, since the RJC has more space for this function than KCCF, inmates are often moved to the RJC for DOC hearings. It was reported that the volume of hearings has increased so much that additional space and more hours have been added at the RJC to accommodate these hearings. This workload may go down in the future as changes in state law reduce the number of felons released from state prison who are on community supervision.

Cost Shifting

The current interlocal agreement with municipalities that contract for jail services includes a billing system that may have loopholes that allow some municipalities to shift costs between jurisdictions or potentially increase costs to King County.

Felony Holds

Yet another situation where King County incurs workload is when an inmate from another jurisdiction is being transported through the hub and King County discovers a felony hold from another state. King County has to book the inmate when the transferring agency should have checked for warrants prior to transport. An example is an inmate being transferred from Whatcom County to Clark County. King County discovers a hold and has to do a booking. Specific numbers about this were not provided, but it was reported to be a recurring problem.

Reception Areas

Corrections technicians work in the reception areas and process paperwork, bonds, money, property, and visitation requests from the public and professionals.

CLASSIFICATION AND HOUSING ASSIGNMENT

The primary purpose of the classification system is to determine the security and housing requirements of each offender.¹³ The end result of the initial classification review is the inmate's custody score which determines the housing units to which an inmate may be assigned. For example, an inmate classified medium custody is assigned to a medium or higher security living unit. If, after the primary classification, the inmate exhibits behavior problems or has more serious charges added, holds placed by other jurisdictions, prison time or felony convictions against a person added, the inmate may be reclassified to a higher custody. If the inmate is sentenced to jail, has charges dismissed, or demonstrates compliant behavior, he or she may be reclassified to a lower custody.

It is the department's stated objective to place each inmate in the least restrictive housing area appropriate for him/her. The actual location in which an inmate is placed may also be influenced by special custody requirements to avoid housing inmates together inappropriately.

¹³ DAJD Briefing Paper, Inmate Classification System, June 19, 2003.

The classification process at the KCCF and the RJC is the same. Except for a few hours each week, classification operates 24/7. About 35,000 classifications occur each year. Initial classification is done within the first 72 hours of admission. (Waiting 72 hours eliminates classifying inmates that have a short length of stay and allows inmates an opportunity to be released on bail or personal recognizance and to receive an initial court hearing prior to going through the classification process.) The department's policy is to have reclassification every 30 days. However, due to recent budget reductions, the first scheduled routine reclassification occurs after the first 90 days and then every 30 days thereafter. In addition, reclassification is considered when there is new information received, there is a change in behavior, or there is a change in legal status. Inmates are classified both for custody level and program needs. Jail Health Services assess medical and mental health status of inmates and provide input to classification staff who determined the classification and housing assignment.

Factors affecting reclassification required under *The Hammer Settlement Agreement* include:

- Medical or mental health problems
- Change in Charge Status
- Special Custody Needs
- Disciplinary Behavior
- Review for Placement
- Review for Program Consideration
- Needs of the Institution

Classification uses an objective instrument that was initially developed with technical assistance from National Institute of Corrections. It is based on a matrix decision model utilizing two independent factors to identify an inmate's security level. The two factors are criminal history and a management risk or behavior score. The sub-factors that lead to the criminal score include:

- Seriousness of offense
- The presence of detainers or holds
- Escape history
- Conviction history
- Incarceration experience

A management risk (or behavior score) is assessed and assigned a value that ranges between cooperative and physically aggressive. The management risk is combined with the criminal score to yield the inmate's security level of Minimum, Medium, Close or Maximum. (Ultra Security is the most serious type of Maximum Security.) If there are additional issues that have not been included in the classification score, the security level can be overridden. Examples of additional issues include case notoriety, type of criminal behavior, or unusual risk.

Custody Classification Levels¹⁴

Minimum	Inmates are typically cooperative with misdemeanor, felony property or drug offenses; sentenced to jail on other offenses with minimal felony criminal history of crimes against persons; and little to no prison incarceration experience.
Medium	Inmates are generally cooperative with non-serious or infrequent minor disciplinary violations AND Charged awaiting trial on a felony property or drug offense with a criminal history of felony convictions of crimes against a person; OR Charged awaiting trial on a felony crime against a person (except homicide) and no known history of convictions on crimes against a person; or if prison experience, conviction was on property or drug offenses. OR Demonstrates verbal aggression and minor rule violation.
Close	Inmates have serious criminal justice factors, e.g. charged with crimes against persons, significant prison experience and significant criminal history, and may be held on a serious hold for another jurisdiction and/or have demonstrated significant behavioral problems and aggression.
Maximum	Inmates are in an individual housing cell with separation from other inmates due to ongoing physical aggression, and/or escape or attempt to escape from DAJD custody, and/or facing death penalty on charges; and/or extreme safety and security risks; terrorist types of acts; and/or extremely serious criminal or behavior actions requiring separation from all other inmates. Extreme cases are designated as Ultra Security.

The classification model was last evaluated by Jim Austin, director of the Institute on Crime, Justice, and Corrections at George Washington University, as part of the Washington Association of Sheriffs and Police Chiefs Capacity Study. The King County modified objective instrument was compared to a decision tree model and a pure NCIC objective classification system. DAJD reports that the King County instrument was found less likely to over-classify inmates and that WASPC adjusted their recommendations consistent with DAJD's system.

The Classification Unit reports good access to all outside justice system databases. Examples include: the Department of Corrections Offender Based Tracking System, the Justice Information System, Superior Court Information System, District Court Information System, and the National Criminal Information Center.

It is also common to re-designate a housing unit to another security level as population levels change. For example, if a medium unit needs to be converted to minimum security, the medium inmates would be transferred out and the minimum inmates transferred in. Except for medical, suicide watch or Ultra-security, the physical construction of the celled units for minimum and medium are the same. Staffing and security (and costs) are the same, but minimum inmates have more privileges and programs. Minimum inmates are housed in dormitories whenever space is available.

When the number of double-bunked units at the RJC reaches three or four, it is sometimes necessary to split a unit with two classifications of inmates in what the department calls a "split rack." Under these circumstances, inmates of one classification are housed on the upper tier and inmates of another on the lower tier. Inmates from different classifications are not let out at the

¹⁴ DAJD Briefing Paper, Inmate Classification System, June 19, 2003.

same time. From the department's perspective this is undesirably – at least in part – because it diminishes the amount of out-of-cell time for inmates and therefore decreases their access to programs.

Classification is also responsible for re-designating housing assignments between the KCCF and RJC as well as reclassifying inmates. Factors affecting location include:

- Case jurisdiction (complicated when there are multiple courts involved)
- Special needs (medical, mentally ill, suicide watch, developmentally disabled, ultra-security, etc.)
- Requirement to keep separate from other inmates
- Hammer case restrictions on use of KCCF
- Minimization of double celling at RJC (due to cost)
- Maximization of custody classification within a unit
- Program assignment, including inmate workers

Classification is also responsible for managing inmate housing routines; inmate discipline; inmate compatibility resolution; intervention and establishing behavior contracts where inmate takes responsibility for their behavior choices; transitioning inmates into and out of special custody housing; minimizing extra officer posts by oversight of housing when population is high; taking action to reduce bed space requirements (i.e. coordinating bed space usage); and screening inmates for program eligibility and participation.

INMATE PROGRAMS

Providing social service programs is one of the duties assigned to DAJD by county code. Some of those services are delineated in code:

- *“classifying [inmates],*
- *evaluating mentally ill or developmentally disabled ... [inmates],*
- *referral to available community programs,*
- *reviewing ... persons with psychiatric problems,*
- *reviewing other special population groups,*
- *providing general population group management,*
- *providing outside agency access to those persons including special visitation,*
- *library,*
- *recreational and,*
- *educational services.”*

County code makes it clear that this is a minimum level of service by noting that DAJD is to provide these specific services but not be limited to them.

Some of these services – such as classification, mental health and other evaluations, and general population management – are dealt with in other sections of this chapter.¹⁵ Other programs are discussed in the paragraphs below.

¹⁵ See, respectively, “Classification and Housing Assignment,” “Inmate Services,” and “Living Unit Operations.”

Local adult detention facilities, because of their short average length of stay, generally have few inmate programs or activities that engage inmates for more than a few hours per day. Efforts to provide more extensive meaningful activity - such as the statewide jail industries initiative in the 1990's - are frequently frustrated by a lack of space within the jail to accommodate a new activity. This is certainly the case at the King County Correctional Facility and, to a lesser extent, at the Regional Justice Center.

Most of the time, cost is also a deterrent to the creation or expansion of inmate programs. As a result, most programs, including most of those at the KCCF and RJC, are provided by other agencies or volunteers. Most programs that have a direct cost associated with them are paid for out of the Inmate Welfare Fund which, in turn, is funded by a "tax" on inmate commissary purchases and telephone use. The major DAJD cost associated with inmate programs is the cost of correctional supervision.

Furthermore, because of space limitations, particularly at the KCCF, the number of inmates who can participate is limited. For example, on the inmate-occupied floors of the KCCF tower there are five multi-purpose rooms. Four of these can hold no more than 24 inmates at a time and one can hold 14. These five rooms are the only indoor areas where inmate groups can meet. This means that no more than 110 inmates (4 times 24 plus 1 times 14) can participate in program activities in the KCCF tower at one time.

In addition to space limitations there are time limitations. There are certain times of day - meals, counts, shift change, nights - when inmates are in their cells or dayrooms and no one is available to use the multi-purpose rooms. Subtracting out these times there are at most 11 hours per day during which the multi-purpose rooms can be used. On weekdays these rooms are used in the morning to group inmates who are going to court and waiting for Court Detail officers to get them. This further reduces the number of hours these rooms are available for inmate programs.

If these five rooms were used at maximum intensity (11 hours per day) there would be space for 1,210 participants per day. Since the operational capacity of the tower portion of the KCCF is 1,262, there is a theoretical maximum physical capacity to provide about one hour of program activity per inmate per day. Since some inmates are out to court, have medical appointments or are otherwise engaged, the amount of program time available for other inmates is theoretically more, but various constraints, such as those discussed above, limit program time per inmate to considerably less than this.

In spite of these many limitations - consistent with policy considerations articulated in county code - there are many, many programs offered at each of the DAJD facilities. These include education, religious services and meetings, treatment programs, personal skills and growth courses, and all other inmate group activities other than outdoor recreation. The majority of these programs are provided by volunteers through churches and other non-county organizations. Educational services are provided by the Seattle Public School District, Kent Public School District, and local community colleges.

Educational programs at both facilities include a regular public school curriculum for juveniles remanded to adult court, adult basic education (ABE), GED, and English as a second language (ESL) instruction. Classes and workshops are sometimes available in other subject areas such as English and Spanish workshops, literacy tutoring, creative writing, and other special topics.

Examples of substance abuse treatment programs at the KCCF are a Recovery Readiness and Behavioral Cognitive Program provided by King County Public Health, a Substance Abuse and Chemical Dependency Treatment program provided by the Veterans Hospital, and Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) groups. The RJC also has a Recovery Readiness Program and AA and NA groups.

Both facilities have programs relating to domestic violence and transitioning back into the community.

While this may seem like an impressive list of treatment programs, participation is limited both by the factors discussed above and because the average length of stay is only 16.4 days. By way of example, during the first quarter 2003, 173 inmates (mostly women) were enrolled in the KCCF Recovery Readiness and Behavioral Cognitive Program. Of these, only 53 completed one or more stages of this four stage program and only seven completed all four stages.

Both facilities have a long list of religious programs put on by a wide variety of religious groups. In terms of hours per week devoted to inmate programming, religious programs probably consume the largest amount of time.

Inmate Workers

Both facilities use inmate workers, mainly in the kitchen. During the four months ending in October 2003 there were 71 inmate workers in the kitchen at the KCCF and 58 at the RJC. These kitchen workers cover two-plus shifts per day, seven days a week. County employee cooks and bakers manage the operation and supervise the inmates. There are no correctional officers assigned to the kitchen at either facility.

Laundry for both facilities, plus the juvenile detention facility, is done at the RJC. This operation employs 10 inmates on the day shift seven days a week and 10 inmates on the swing shift on weekdays. There is a crew of 5 to 7 inmates for bundling soiled laundry and for sorting and preparing clean clothes and linen for distribution at the KCCF.

Of special interest is the Custodial Industries Program run by Renton Technical College at the RJC. Four times a year this program enrolls 15 inmates in a 10 week training and work program. Graduates receive a certificate upon completion. In addition to providing specific training in the use of cleaning chemicals and equipment, participants learn basic job readiness and workplace behavior skills. The program is also responsible for cleaning much of the Regional Justice Center. Observation of areas cleaned by county employees and inmates shows a very high level of performance by the inmates. In fairness to the county employees much of the difference may be due to the increased frequency of cleaning provided by the inmates.

Some programs and activities have been found by the courts to be required components of detention operations. This is true of inmate visiting, physical recreation, and the right to religious expression. These activities are found in all jail facilities.

Visiting

Non-contact visiting is provided at both the KCCF and RJC. At the KCCF there are seven non-contact visiting booths in the central core on each of the inmate housing floors in the tower, two

booths in ITR, and 15 booths on the first floor of the west wing. During weekday business hours, three of the seven booths on each floor in the tower are reserved for attorney visits. These booths have pass-through slots for document exchange. In the evenings and on weekends the pass-through slots are locked and the booths are used for regular visits. Face-to-face attorney client visits occur frequently. Other special face-to-face client visits are sometimes authorized by the court at the request of defense counsel for phlebotomists, competency evaluators, expert witnesses, and others. These visits require the attorney and other professionals to come inside the secure perimeter of the jail. They generally take place in a small room off the central core on each floor.

Surveillance of visiting in the KCCF tower is done by the floor control officer who sits in a secure booth in the center of the circulation system on each floor. This officer also has control over the door into the inmate side of visiting and the door to each visiting booth. The visiting booths are arranged in a row parallel to the officer's line of sight. As a result, the floor control officer can see both the inmate side and visitor side of the visiting area. However, the view of inmates and visitors at the floor control officer's end of the visiting area is much better than the view at the far end of the visiting area. Those at the far end are viewed through multiple windows with heavy window frames.

If there is a problem that needs to be attended to in the visiting area, the floor control officer calls officers on the floor, or elsewhere in the building, to intervene with the inmates. If the problem is with a visitor, floor control officers contact Central Control who in turn contacts SPD dispatch. SPD Patrol Officers arrive through the visitor elevators to public side of the visiting area. Corrections Officers will respond to stabilize these situations until the police arrive.

There are 15 non-contact visiting booths on the first floor in the west wing. These are shared by the (up to) 435 minimum custody inmates who can live in this part of the facility.

At the RJC the inmate side of the visiting booths is in the housing units. Public visitors enter the public side from a circulation system that is entirely separate from that used by inmates. Inmates enter from the mezzanine level in the housing unit. The housing unit officer can see the backs of the inmates while they are in visiting. The view of the public side of visiting is very limited. The primary difference between visiting at the RJC and visiting at KCCF is that the inmate doesn't have to leave the unit at the RJC to go visiting. This helps minimize inmate movement and eliminates the need for an additional officer to supervise visiting.

Outdoor Recreation

At least some outdoor recreation must be made available to inmates. In facilities around the country the amount of time available varies, but generally it is not less than three hours per week. This was the standard proposed by the Washington State Corrections Standards Board in the 1980's. While the Corrections Standards Board was sunset in the early 1990's this remains the best local statement of minimum practice standards that is available. As the result of a lawsuit, DAJD must provide inmates who are on ultra-security status and eligible for yard out, five hours of recreation per week.

On two floors in the tower at the KCCF there are two outdoor recreation areas - called yard-outs by DAJD staff. Two other floors have one yard-out. The 11th floor, where the highest security

inmates are housed – has a yard-out that has been divided into three smaller yards to provide the required recreation for these inmates, most of whom must recreate individually. These yard-outs are outdoor in the sense that they are not heated, have outside air, and have some natural daylight. As a high-rise building they are, of course, roofed. The supervision of these areas is done by direct observation and cameras monitored in floor control.

There is one, relatively large, yard-out on the first floor of the west wing. This area is adjacent to the west wing and has a roof covering with opened screened space near the ceiling. Like visiting, it is shared by the up to 435 minimum custody inmates who can live in this part of the facility.

Outdoor recreation at the RJC is provided within each unit. Each housing unit has an adjacent courtyard open to the sky that is used for outdoor recreation. In addition to helping to minimize inmate movement, location of outdoor recreation in each housing unit means that supervision is provided by the housing unit officer. Because there are good sight-lines, there is no need for camera monitoring of these areas.

INMATE SERVICES

The primary services provided inmates are food, laundry, medical care, and mental health care. The first two are provide by DAJD; the last two by the Seattle/King County Department of Public Health. DAJD also operates a central warehouse that is staffed by one officer. Other types of services include commissary, notary, pro se materials, and library services.

Food Service

Food service is, of course, a very large operation with over 3 million meals served in a typical year. In the four months ending October 2003 there was an average of 8,502 meals served per day. This includes meals for in-custody inmates at both facilities, work release, work crew, and staff.¹⁶ Included in this figure are several hundred special meals - mainly for medical or religious reasons. Staff and work release inmates normally have an enhanced menu that is somewhat different than that served to in-custody inmates.

Both facilities operate on close to a 24-hour schedule seven days a week. To cover this schedule there are 13 cooks/bakers at the KCCF and 12 at the RJC. The department's Food Service Manager works at the RJC. An assistant supervisor works at the KCCF. As noted above, these county workers supervise 71 inmate workers at the KCCF and 58 at the RJC.

Raw food costs averaged 68.4¢ per meal for the four months ending October 2003. The 25 cooks and bakers and two supervisors add an estimated 53.3¢ per meal for a total cost of approximately \$1.22 per meal.¹⁷

The RJC kitchen is a large, well laid out, facility. Although originally designed to be a cook/chill operation, it has not been used as such. It appears that the former DAJD food service manager

¹⁶ All staff are entitled to one meal per shift.

¹⁷ In technical review of the OMP the Office of the King County Auditor noted that the Adult Corrections Cost Model developed by the Auditor's office calculated a higher cost per meal. After some adjustments to make the basis for the calculations more equal, it appears that the Auditor's calculated cost per meal is about \$1.34. For more information, see Option 6, "Food Service Alternatives" in Chapter 6.

was enthusiastic about the cook/chill process but that when he retired some of the institutional memory and understanding of what the system is capable of was lost. The OMP consultant talked with Bill Manahan, of Manahan and Cleveland, the original food service consultant for the RJC. According to Manahan, the equipment installed is suitable for preparing a wide variety of foods – including meats – in bulk quantities for re-heating at satellite kitchens. Manahan also reports that re-thermalization of the cook/chilled food and delivery of meals to the inmate living areas can be done with the existing equipment at the KCCF kitchen.

Laundry

All laundry for the KCCF, RJC, and juvenile detention facility is done at the RJC. The laundry operates seven days a week from 7:00 am until 10:30 pm. One correctional officer supervises 10 inmate workers on each shift. A second officer on second drives a van between facilities Monday through Friday where clean laundry is exchanged for dirty at the KCCF on a daily basis and at the youth center on a weekly basis. Deliveries are also made on second shift on the weekends.

The laundry room at KCCF also operates seven days a week. There are two officers on Monday through Thursday and one on Friday, Saturday, and Sunday. These officers supervise a crew of five to seven inmates who bundle soiled laundry and sort clean clothing and linen to prepare for delivery to each housing unit. Clean laundry is wheeled on carts to the units by correctional officers where it is exchanged with soiled laundry.

The RJC laundry has four washing machines and six dryers. One of the washing machines and three of the dryers were bought from the KCCF when the RJC was constructed.

In addition to cleaning and distributing laundry, the laundry operation also mends articles and maintains and re-supplies an inventory of about 35,000 pieces.

Medical Care

At the time this report was written the health care system at the King County jails was undergoing radical transformation. Consequently, only a brief description of health care as it existed mid-year 2003 will be given here.

Medical care at both jails is provided by the Seattle/King County Department of Public Health, Jail Health Services. Their 2002 budget was just under \$16 million. This was based on 309,125 man hours and 148 FTE's. The 2003 budget was \$19.2 million. This was based on 357,296 man hours and 171 FTE's.

Jail Health Services operates a full-service clinic and infirmary at the KCCF and makes use of hospital services at the Harborview Medical Center. Birthing services are provided at the University of Washington Hospital. Kidney dialysis is provided at a clinic on Capital Hill or in Lake City. One consequence of King County owning Harborview Hospital and the University of Washington running it is that the county is not charged for services provided to inmates.

While the RJC has a clinic, it does not use its infirmary beds. RJC inmates needing emergency hospital care are taken to the Valley Medical Center which charges for this service.

The clinic at the KCCF is located in the western portion of the sixth floor. The infirmary is on the seventh floor, just above the clinic. A stairway connects the two. Access by inmates is

through secure vestibules at the three primary inmate elevators and by elevator Number 1. Inmates are brought to the areas by an officer and secured in holding cells in the clinic or infirmary.

As configured in the summer of 2003, the infirmary at KCCF had capacity for 30 patients: 12 in three four-bed wards, 16 in eight two-bed rooms, and two in two single occupancy isolation rooms. Some of these patient rooms are used by inmates who don't require infirmary care but who require medical equipment that is run by electricity. It was reported that use of infirmary beds for this purpose was necessary because - for security reasons - there are no cells in the building that have electrical outlets.

The clinic has six exam rooms, a (very small) laboratory, a pharmacy, dental clinic, inmate waiting rooms and holding cells, and administrative areas.

Inmates are triaged for health care interventions. Registered nurses see routine issues and refer to either the ARNP or MD. The RJC reported 23,276 nursing interventions with 13,874 treatments; clinic providers saw 3,845 patients in 2002, for an average of less than 15 inmates per day. We did not obtain comparable data for the KCCF. Dental is held twice a week at each facility and a reasonable number are being seen. Health assessments are done generally according to standard, however 30% of inmates were reported as refusing this service - which seems high.

Prescribers saw an average of 1.2 to 1.4 patients per hour. While some inefficiency can be expected in a jail setting, this is far below the two to four patients per hour seen by prescribers in the community.

Both facilities have pharmacies. The two pharmacies fill an estimated 150-250 new prescriptions and 100-150 refill prescriptions daily. Between the two facilities there are three pharmacists and four pharmacy assistants (with one vacant position). Medications are obtained on contract with the Minnesota Multi-state Contracting Alliance for Pharmacy.

Most medications are Keep On Person (KOP) and the remainder are delivered by nursing staff using a unit dose system. The unit dose system is considered to be an inefficient means for distributing medications in a jail. The KOP medications are dispensed in bottles. This practice precludes effective monitoring of medications.

The budgeted amount for medicine in 2003 was \$876,418. In addition, pharmacy staff was budgeted at \$379,198.

Medical records are a critical issue for both facilities. The KCCF has medical records kept in several areas on the same individual, necessitating a prolonged period to gather the chart together. It was reported that it can take more than 24 hours to transfer complete medical information between facilities.

Currently, the jail bills inmates \$5.00 per kite. Jail Health estimates that 16 % to 29% of inmates qualify for DSHS benefits but little is collected. It does not appear that an effort is made to determine if an inmate has private insurance that can be billed.

It is Jail Health Service's policy to keep the sickest inmates at the KCCF leaving only those who need relatively minor medical attention at the RJC. This allows JHS to operate the RJC clinic just one shift per day.

The KCCF transported 356 inmates to Harborview in January 2003. This is an average of 11.5 inmates per day. With an average daily population of 1,273 that month this means that nearly one percent of the KCCF population was going to the hospital every day. During the same time the three RJC inmates were transported to the hospital. The higher rate of hospital visits from KCCF is due to several factors. First, the inmates needing the most medical care are housed at the KCCF and second, the county receives free medical care at Harborview but must pay for it elsewhere.

Mental Health Care

As with medical care, the mental health care system in the jails was being transformed at the time this report was written. Its operation as of mid-year 2003 will only be described briefly.

The mental health staff includes psychiatrists, psychologists, Psychiatric Evaluation Specialists, ARNP's, social workers, RN's and LPN's. A psychiatrist or psychiatric nurse practitioner is on-site seven days a week at the KCCF. A psychiatric nurse practitioner is on site at the RJC part of two days each week. All seriously mentally ill inmates are housed at the KCCF in one of the wings on the seventh floor.

Inmates are initially screened for mental health concerns at pre-booking. Deferral, diversion and the services of Mental Health Court are actively pursued. An MD, ARNP, RN and correctional officer perform daily rounds on patients with psychiatric concerns. The population in the mental health units has remained relatively constant over the last four years, averaging 147 inmates with nearly 30 percent on suicide watch. Outside reviewers have found this to be an unusually high percentage of mentally ill inmates. Dr. Todd Wilcox, in an independent review of jail health services in King County concluded that "many patients in the inpatient psych unit do not qualify for inpatient status..."¹⁸ Dr. Wilcox went on to recommend that one of the two wings with cells on the seventh floor be used as an inpatient unit while the other one functions as a step-down unit for higher functioning inmates with mental health issues.

While a very high percentage of inmates are on suicide watch at the KCCF, the facility has been exceptionally effective at preventing suicides. It was reported that there have been no suicides for the last five years.

Discharge planning for psychiatric inmates continues to be an ongoing problem. Community Case managers are contacted as available (not all inmates have assigned case managers or are involved in community treatment) and housing concerns are addressed. A major problem is that there are not enough appropriate housing and other community mental health resources in the Seattle area for released inmates. As a consequence, inmates can be released without medications or the ability to access them.

¹⁸ *Final Report to Proviso Work Group, Jail Health Services, Seattle-King County*, June 10, 2003, Todd Wilcox, M.D., page 19

Court Detail

Court Detail is responsible for delivery and return of inmates to and from the nearby Superior Court courtrooms and to and from the District, Municipal, and video courtrooms in the two jails. The escorting officer is responsible for the inmate while he or she is in court. Court Detail is also responsible for medical transports, transports to and from Western State Hospital, relief of officers assigned to inmates at Harborview or other community-based medical facilities, and escorting out-of-custody inmates who have been remanded to jail.

Like many parts of DAJD, much of the workload of Court Detail is determined by the activities and schedules of others. Those activities relating to court appearances by inmates are determined by the number and timing of hearings for in-custody defendants. These in turn are affected by the number of inmates in jail, their status (pre- or post-sentence), the crimes for which they are charged, and the number of hearings per case. Since Court Detail Officers remain in the courtroom during the entire proceeding, Court Detail workload is particularly sensitive to the number of trials held for in-custody defendants.

Court detail staff pick up inmates from the respective jails in "batches" twice a day (morning and lunchtime). This includes dressing out inmates for trial¹⁹ and otherwise getting them ready for their arraignments, hearings or trials; handcuffing/chaining them up as necessary; and escorting them from the jail to either the courthouse, a jail courtroom, or temporary release to law enforcement for transport to an outlying court. At the courthouse they are placed in holding cells.

At the start of the day most of Court Detail's staff are "in queue" waiting to take the inmates to their respective courtrooms when the judges call for them. Once there, court detail officers remain in the court room for the duration of the proceeding. In some cases a judge will call for an inmate who was not pre-scheduled for appearance in court that day. These unscheduled escorts are more time consuming since one or more officer is needed to transport a single inmate rather than a group of inmates. Some cases that are high risk or high profile require extra officers.

Inmates are brought back to a holding cell when the hearing is over. When a small group of inmates has been assembled they are escorted back to the jail as the staff becomes available. Meanwhile, unless it is the end of shift, the escorting officer goes back in queue to wait for the next assignment. If there are no further assignments expected, or if more officers report to work than were expected, surplus staff are sent to the jail to fill in vacancies or provide relief that would otherwise require the use of overtime.

As noted above and discussed in detail below, Court Detail officers are involved in a number of other activities besides escorting inmates to court and supervising them while they are there. This, however, is their primary responsibility and its provision is analogous to any other queuing situation. While there are events that are regular and predictable, the demand for this service has substantial elements that are irregular and unpredictable. Judges request that that inmates be presented to court at varying times and in varying numbers. For efficient operation of the court, Court Detail must have enough personnel to satisfy this varying demand in a reasonable amount of time during all normal operations. This means that – just like waiting in the check-out line at the grocery store or going through security at the airport – sometimes there is surplus capacity and sometimes the wait is long. The amount of resources provided is therefore a function of what

¹⁹ Inmates on trial are dressed in civilian cloths. Jail dress is used at other hearings.

is considered "a reasonable amount of time" to wait for service under normal circumstances and how long is tolerable under unusual circumstances.

In the grocery store analogy the surplus checker capacity is diverted to other tasks when demand is low. When demand is low at the airport, security screeners generally go on break or are just idle. While the diversion of surplus Court Detail staff to fill vacancies or provide relief at the jail is similar to the strategy used in the grocery store example, the tolerance for delay by the court when things are very busy is considerably less than in the airport example where travelers (who have no choice in the matter) can expect long waits fairly frequently. As a result, idle capacity can be seen from time to time in the Court Detail break/assignment rooms at the two jails. The amount of idle capacity is a function of the system's efficiency and tolerance for delay.

As noted above, Court Detail has functions other than escorting inmates to court and supervising them while they are there.

If inmates are admitted to the hospital, the regular shift staff at KCCF takes over supervision responsibilities. In 2001, Court Detail was given responsibility for providing relief breaks to first shift staff who are guarding inmates in the hospital. (Arresting agencies are responsible for guarding inmates in the hospital who only have open felony investigation charges.)

King County owns the building used by Harborview Medical Center and receives substantial free medical care for inmates as part of the mission statement of the University of Washington which operates it. While this also reduces liability for Jail Health Services, from a purely economic standpoint, Jail Health Services has no financial incentive for restraint in sending inmates out for treatment. But, while there may be no medical fee for Harborview services, DAJD pays for escorting and guarding inmates admitted to the hospital or transported there for out-patient services. Jail Health Services and Court Detail have had many discussions to try to balance the needs of the two agencies while fulfilling the county's responsibility to provide appropriate health care to inmates in its custody. Agencies which do not have the luxury of free medical care presumably are not as challenged in finding this balance.

One efficiency was adopted in recent years in response to the need to isolate prisoners from the general public at Harborview. To accomplish this, a holding room was added at Harborview to hold inmates from King County and the state Department of Corrections. Under procedures adopted after this, if a King County inmate has been waiting for an hour, the medical authority can sign the back of the JHS form saying that it is OK for the inmate to return to jail and come back for medical services at a later time. While this causes the inmate to have to be transported multiple times for the same medical problem, it prevents officers from having to sit idle hour after hour.

Transports are provided to Western State Hospital (WSH) mainly for competency evaluations. The competency evaluations are primarily for Superior Court and Seattle Municipal Court. These transports, which require two officers for four hours per day, occur five days a week. DAJD reported there were 600 to 700 WSH transports in 2002. Since the number of inmates who may be taken to WSH is limited by WSH staffing, the jail also does local competency evaluations. Since 2002 the jail has authorized access by WSH forensic evaluators to perform competency evaluations, and it was reported that this has had a significant impact on the number of inmates transported to WSH.

Court Detail also staffs the video court at the RJC. This program operates five days a week and handles about 4,000 arraignments per year for various south-end municipal courts.

DAJD would like to see video court expanded, as follows:

- By holding hearings other than just arraignment at the RJC video court
- By adding video court to the KCCF
- By changing the NW District Court Domestic Violence calendar to video. This currently requires three transports per week from the downtown jail. It was reported that there is a project underway to make this change.
- By using video court for as many civil matters involving inmates as possible.

The Adult Justice Operational Master Plan recommends video court for all of the King County District Court. Unless something else is done, adding video court will further increase demand for very limited holding capacity in this part of the jail. It was suggested that court holding could be expanded by taking over some of the public viewing area in the existing second floor courtrooms.

DAJD is trying to facilitate consolidation of lower court matters - i.e. have matters heard and resolved by multiple courts during the initial pre-trial incarceration rather than sequentially. This would reduce the average length of stay for misdemeanants and reduce costs to the cities.

Superior Court, Seattle District Court, and Seattle Municipal Court use the two jail courtrooms on the second floor of the KCCF. As noted above, arrests north of I-90 are assigned to the Seattle Division of the Superior Court; those south of I-90 to the Kent Division (RJC). Since closure of RJC booking on the second and third shift, all bookings on those shifts take place in downtown Seattle. Those who are to be assigned to the Kent Division Superior Court are held in booking and then transported to the RJC by Court Detail.

Scheduling of transports is only partially automated. Superior Court enters court schedules directly into a computer program called JAMMA. Seattle Municipal Court hearings are automatically downloaded into this system after normal business hours every day. District Court, and the other municipal courts, do not use this system. For these courts information is supplied by fax or telephone and the data are entered manually by the Court Detail officers early each weekday morning.

Recently a module was added to the Court Detail Dispatch program to keep track of unscheduled escorts. Some events, such as emergency medical runs and remands of out-of-custody defendants to jail are, by definition, unscheduled. Other unscheduled escorts can result from data entry errors or failure to provide the information in a timely way. Omissions and unscheduled events require costly one-on-one escorts and are reported to make up a significant proportion of Court Detail's workload.

When there is a conflict for court transports they are triaged in the following order: Superior Court, District Court, municipal courts. If there are multiple municipal court matters the matter with the highest bail amount is selected first. The court detail captain meets with presiding judges quarterly to discuss issues. DAJD staff reported this to be a productive process.

Court Detail Staffing Summary: Monday through Friday

King County Correctional Facility		Regional Justice Center	
Location	Officers	Location	Officers
Presiding judge courtroom (1201)	3	Presiding judge courtroom (GA)	2
KCCF 2 nd floor (pickup/dressing for court)	5	District Court courtroom (GB)	2
Involuntary treatment transport	2		
Mentally Ill Offender transport (4.5 hours)	2		
Office/dispatch	2	Office/dispatch	2
Pool of officers for court escorts	29	Pool of officers for court escorts	9
Thursday Night Court (Seattle Municipal Court – reimbursed)	Overtime		
Saturday Seattle District Court (not reimbursed)	Overtime	Saturday Kent District Court (not reimbursed)	2
TOTAL	43 COs + 2 Sergeants	TOTAL	17 COs + 1 Sergeant

When transport volume is low, Court Detail shares staffing resources with the first shift in order to avoid overtime due to unplanned absences.

LIVING UNIT OPERATIONS

General population management is one of the services DAJD is required to provide by county code. The manner in which this is done affects critical aspects of their core mission, most notably to operate “*safe, secure, and humane detention facilities.*”

Living Units at the KCCF

Inmates at the King County Corrections Facility are housed on five floors (floors 7, 8, 9, 10, and 11). Floor 7 has medical, infirmary, mental health unit, and some general and special custody population housing. It is expected that some aspects of the mental health unit will change under revised Jail Health Services business practices. Floors 8-10 each have three wings, while floor 11 has only two. Women are housed on Floor 9 and special custody women on floor 7. Floors 10 and 11 have the most secure cells in the building and are used to house close and maximum custody inmates. There are also four unoccupied floors of minimum custody housing in the west wing of the KCCF. (The West Wing was closed in at the end of 2002 due to a declining number of inmates.)

A summary of the physical capacity of the housing units is as follows²⁰:

KCCF Capacity

TOWER WINGS				
FLOOR	N	E	S	Subtotal
11th	48*	48*	0	96
10th	48*	96**	136***	280
9th	92	96	136***	324
8th	96	96	136***	328
7th	48	48	112***	208
Infirmary				26
Subtotal	332	384	520	1,262

WEST WING***				
FLOOR	N	W	ALL	Subtotal
West 1			44	44
West 2			104	104
West 3			74	74
West 4	123	90		213
Subtotal	123	90	222	435

TOTAL KCCF OPERATIONAL CAPACITY	
TOWER	1,262
WEST WING	435
	1,697

- * Single cells w/sliding doors
- ** Double cells w/sliding doors
- *** Dormitories

It should be noted that the tower portion of the KCCF is almost entirely an indirect supervision facility. In other words, officers try to maintain a line of sight from control booths to control stations, and from control stations to cells or dormitories. The trustee wing on 8 south is the only exception to this. It is operated as a direct supervision unit simply by leaving the doors to the perimeter dayrooms unlocked.

Due to the indirect supervision model, one of the major staffing functions within each housing unit is the electronic opening and closing of numerous locked doors. This is accomplished by an officer within the unit (the "Wing Officer").

Each floor has a centralized control booth that is staffed 24 hours a day, seven days a week, with one officer. This officer performs a number of functions:

- He or she operates the doors to each of three wing entrances, as well as the elevator sally port, inmate visiting, outdoor recreation and a multi-purpose room. All of these add up to approximately 10 doors for each floor.

²⁰ Source: DAJD.

- Along with controlling these doors, the floor control officer coordinates movement associated with routine activities such as programs, medical triage, visits, recreation, court, and transfers. The officer also directs staff movement during emergencies on the floor.
- This officer is responsible for communication with the wing officers and central control. (Under present DAJD procedures, the wing officers do not directly communicate with central control.)
- This officer is responsible for surveillance of the outdoor recreation yards (generally two to a floor), the multi-purpose room, inmate visiting, the classification office, and movement within the core area. Visibility into the recreation yards and multi-purpose rooms is limited and most of the surveillance of these areas is done by camera.
- The floor control officers are responsible for the movement of information and documents through the pneumatic tube system. In terms of volume, most of the paper sent through this system is made up of visiting slips. While there is no reason why the information from visiting slips couldn't be sent electronically, this is not the case with documents – such as bonds and legal papers – that need an inmate's signature.
- Floor control also controls lights, telephones, and televisions within each wing. Primary responsibility for this function will be transferred to the wing officers under the ISP.

During the first and second shift each inmate floor in the tower has two "Activity Officers." These are designated "intermittent" posts under the Hammer Settlement Agreement – which means that they do not have to be staffed at all times. The duties of the activity officers include relieving wing officers and the floor control officer during breaks; picking up food carts from the kitchen and issuing inmate meals; returning food carts and garbage to the kitchen; doing counts; conducting searches; doing security checks; supervising inmates in activity areas; monitoring commissary, laundry and library deliveries; providing special escorts; maintaining various logs; responding to emergencies, etc.

Living Units at the RJC

This is a direct supervision facility whereby living unit officers work from an open station and have direct contact with inmates that are largely allowed to be in common areas during the day. In contrast to KCCF, the outer unit doors are controlled by housing control or central control and housing unit officers control inner unit doors and cell doors from their stations. Housing control at the RJC provides a movement control function similar to that provided by the floor control officers at the KCCF. However, because of major design differences, one housing control officer at the RJC controls movement in and out of 14 housing units whereas a floor control officer at the KCCF controls doors for only three units.

The RJC has 14 units, 11 of which can be double-bunked and two which are divided into several small subunits. At the beginning of this review the policy was not to exceed 65 percent double bunking for any unit. By the time this was written this had been increased to 80 percent. (Note that since the Hammer settlement only pertains to the KCCF, the RJC does not have legal constraints in determining the maximum capacity of the facility.)

KCCF and RJC Daily Routine

The daily routines for both facilities are similar and are described as follows:

- Inmate trustees head for the kitchen to prepare breakfast
- Breakfast is sent out to the units
- Third shift (graveyard) conducts a formal count of inmates prior to first shift's (day shift) arrival
- First shift conducts a radio check to ensure the radios are operating properly
- Inmates come out into the day area for feeding at the RJC, but are fed in their dayrooms or, in the case of special custody inmates at KCCF, their cells
- Inmates are locked back into their cells while trustees clean-up
- Inmates are allowed back out of their cells
- Other activities begin (court, medical, education, program classes, recreation, police line-ups, releases, visiting)
- Officers perform visual checks at the cell fronts on an hourly basis
- Inmates are locked back into their cells for lunch at KCCF and come out into the day area for feeding at the RJC. It should be noted that at the RJC, if the unit is single bunked, the officers lock the inmates into their cells for a one-half hour period while the officers leave the unit for lunch break. A motion detector alarm system notifies central control if there is a security breach. Inmates can communicate with housing control or central control by intercoms in each cell if there is a medical or other personal emergency. If the unit is double-bunked, one officer remains in the unit.
- Trustees clean up
- Inmates are released from their cells for activities
- First shift conducts a formal count of inmates prior to Second Shift's arrival
- Second shift conducts a radio check to ensure the radios are operating properly
- Inmates come out into the day area for dinner at the RJC, but are fed in their cells at KCCF
- Inmates are locked back into their cells while trustees clean-up
- Inmates are allowed back out of their cells
- Other activities begin (medical, education, program classes, recreation, police line-ups, releases, visiting)
- Officers perform visual checks at the cell fronts on an hourly basis
- Inmates are locked back into their cells and lights are out at 10PM

EMERGENCIES

Response Processes

KCCF

When there is a "code call" at KCCF, the wing officer notifies the floor control officer. The floor control booth officer then notifies Central Control and keeps the elevator door open for arriving staff assistance while keeping all wing doors closed.

RJC

When there is a "code call" at the RJC, the officer in need of assistance notifies Central Control and Central Control directs responding officers to the appropriate location. Central Control operates all doors.

Types and Frequency of Emergencies

There are two types of code calls that occur most frequently: Code Blue (inmate fight) and Medical Status codes.²¹ Other incidents of interest include inmate on staff assaults, use of pepper spray, and cell extractions. A look at the volume of calls for assistance in relation to the ADP per facility is illuminating. The data we examined was for the first five months of 2003. We calculated the average daily population for each facility for this period and then calculated the incident rate per month per 100 inmates. The following table shows the results of this analysis.

Incident Rate per 100 Inmates – January through May 2003

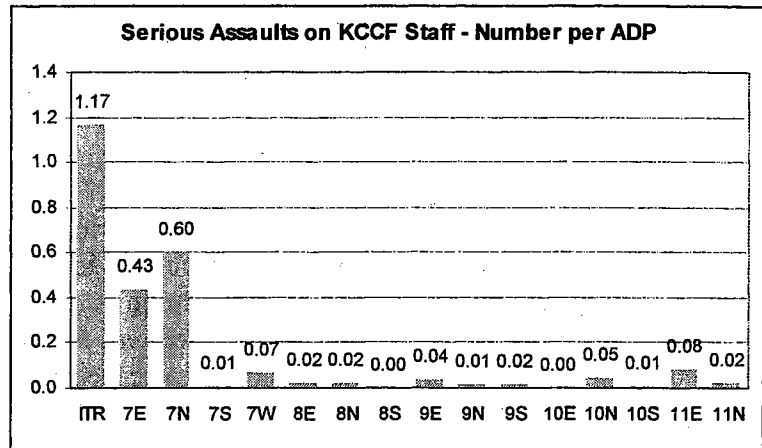
	KCCF	RJC
ADP – January thru May 2003	1,346	855
Code Blue (inmate fight)		
Number	63	33
Rate per 100 inmates per month	.94	.77
Medical Status 1, 2, 3		
Number	233	73
Rate per 100 inmates per month	3.46	1.71
Inmate Assault on Staff		
Number	56	4
Rate per 100 inmates per month	.83	.09
Use of Pepper Spray		
Number	67	6
Rate per 100 inmates per month	1.00	0.14
Cell Extractions		
Number	42	1
Rate per 100 inmates per month	.61	.02

The difference in Code Blue rates between the two facilities is not statistically significant ($p = .452$). All other differences are significant at the .001 level.

In discussing this issue with DAJD administrators, there was an opinion expressed that inmates at KCCF are more difficult to manage than those at the RJC. The data on inmate assaults on staff, use of pepper spray, and cell extractions would seem to support this.

²¹ DAJD Summary Report, May 2003.

An examination of infractions and disciplinary hearings by location for 2003 identified three areas in the KCCF tower where serious inmate on staff assaults are far more common than elsewhere. As the figure to the right indicates, this is in ITR, 7 East, and 7 North. (ITR is the booking area and 7 East and 7 North are both mental health units.)²² The much greater prevalence of inmate on staff assaults in these three areas



explains much, but not all, of the difference between KCCF and the RJC. Excluding these three areas, the number of assaults on KCCF staff per inmate is still 1.8 times greater than that at the RJC. The remaining difference is found in 11 East, 10 North, the infirmary, and 9 East. Seven South, all of the eighth floor, 9 North and South, and 10 East and South all have inmate-on-staff assault rates similar to those found at the bulk of the RJC units.

Unlike the data for the first quarter of 2003, the annual data for inmate-on-inmate assaults shows a significant difference between KCCF and the RJC. While the rate is higher at KCCF, the difference is not as great as for inmate-on-staff assaults. In this category the number of assaults per ADP is about 2.3 times as great at the KCCF as at the RJC. While the assault rate on inmates is most frequent in ITR, the rates in 10 North, 10 South, and 7 South are not much lower. Only the ninth floor at KCCF has an inmate-on-inmate assault rate similar to that found at the bulk of the RJC units.

These data support the idea that inmates at KCCF have a higher likelihood of assaults and serious behavior problems.²³ These differences are also seen in the classification mix at the two facilities. The table below illustrates the percentages of each facility's population according to their classification. Note, in particular, the difference in the percentage of close/maximum custody inmates and the percentage of special custody inmates.

²² Assaults per ADP in ITR is determined by using the average daily population of inmates in intake as reported by DAJD. The actual number of inmates who go through ITR on a typical day greatly exceeds the ADP.

²³ It is likely that facility design and operation affect incident rates – and thereby classification mix – at the two facilities. Direct supervision is widely credited with reducing stress and incidence of violence in facilities where it is used. The RJC may be enjoying the benefits of being a direct supervision facility. Since there are inmates who have spent time at both facilities, there may be enough data to compare incident rates at the two facilities for those inmates who have been at both.

Inmate Classification by Facility (percent)²⁴

Classification	RJC	KCCF
Intake	0.2%	3%
General Population		
Unclassified	3%	8%
Community	0.1%	0.0%
Minimum	52%	35%
Medium	35%	25%
Close/Maximum	4%	10%
Subtotal General Population	94%	77%
Special Custody		
Psychiatric	1%	10%
Medical	4%	7%
Admin/Seg/PC	1%	6%
Subtotal Special Custody	6%	23%

ORGANIZATIONAL CULTURE

In many respects there are two organizational cultures in the adult corrections divisions of DAJD: one at the RJC and another at KCCF. It appears that, with different cultures, correctional officers tend to self-select for the environment within which they feel most comfortable. This, of course, tends to reinforce and perpetuate the differences between the two locations.

There is another factor that has contributed to the evolution of these different cultures within DAJD. Winston Churchill once observed, "*First we shape our buildings; thereafter they shape us.*" The physical design of the department's two adult detention facilities, and the management style they reinforce, certainly affirm Churchill's observation.

The RJC is a new, modern, direct supervision facility. Prior to its opening in 1997 the department hired many new correctional officers to staff the new facility and maintain staffing elsewhere. Senior correctional officers were given the option to remain at the old jail or transfer to the new one. While some elected to transfer, most did not, and the correctional officer corps at the RJC included many new recruits. Everyone who was to work at the RJC was given special training for work in a direct supervision environment.

This set of circumstances presumably helped foster the differences one can see in the culture of the two facilities. The RJC generally has a younger group of correctional officers who have grown up with the institution and who have adapted to the direct supervision management style. As a group they are generally adept at working with inmates, have better than average communication skills, and are accustomed to work to minimize tensions and head off problems before they become serious.

While the KCCF has had some experience with direct supervision – notably with minimum custody inmates in the West Wing – the style of management that is literally cast in concrete in the tower is one known as indirect supervision. In the indirect supervision model, correctional

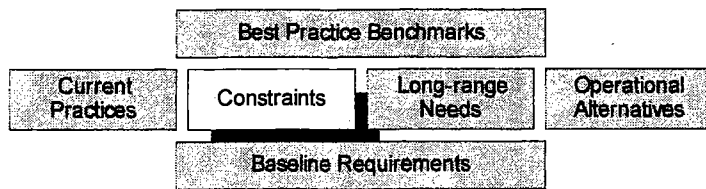
²⁴ DAJD Classification Summary of ADP, May 2003.

officers observe inmates, generally from a vantage point from which they are physically cut-off from direct contact. Most communication between officers and inmates is by loud speaker. Most aspects of the environment within which inmates live – lights, locks, doors, telephones, televisions – are remotely controlled by an officer. The same is true when the inmate leaves his or her housing unit to go to visiting, yard-out, or the multi-purpose room. An officer in a secure control booth monitors all movement within the central core of the floor, opens and closes doors electronically, and watches inmates as they visit, exercise, or participate in programs. Supervision is done both by direct observation and cameras.

It must be emphasized that, despite the limitations imposed by the building, it was apparent from our observations and communication that most officers at KCCF try hard to maintain respectful communication between themselves and inmates. It was clear that a number of officers find satisfaction in their ability to keep their unit on an even keel.

These efforts notwithstanding, the atmosphere within housing units at the two facilities, and the experiences that correctional officers have, could not be more different.

Just as the younger cadre of officers at the RJC has grown up with the new facility, so too have many of the more senior officers at the KCCF grown up with the 22 year-old jail in which they may have spent most, or all, of their careers. This experience, and the rigidity with which the building imposes a particular management style, makes it difficult for many officers to even imagine another way in which the building could be operated. Change is difficult in such an environment. To the extent that the OMP recommends changes in how the KCCF is operated, it is likely that implementation will have to be gradual and that new ideas will have to be tested on a smaller scale before they are put to more general use.



CHAPTER 2

CONSTRAINTS

INTRODUCTION

This chapter identifies how DAJD is constrained from implementing operational options that would move current practices towards benchmarks or other efficiencies. Constraints are important because they assist in the formulation of recommendations and they help identify the amount of effort required to implement recommendations.

The general subjects that constrain DAJD are:

- Federal, State and County statutes
- Binding contracts such as labor agreements and the Hammer Settlement Agreement, and
- The physical design of DAJD's jails.

At the request of the King County Council, the County Auditor's Office conducted a study of King County jails in 2002.²⁵ The purpose of the study was to identify and analyze the major cost drivers in the jail system. As part of that study, the Auditor's Office identified a number of constraints on jail operations and categorized them by the level of control which the Department of Adult and Juvenile Detention has over them. The constraints identified by the Auditor's Office, as well as additional constraints identified by the OMP team, are summarized below using the categories employed in the Auditor's 2002 study. Constraints added by the OMP team are shown in italics.

Factors over Which DAJD has Little or No Direct Control

- The Hammer Settlement Agreement *as it relates to KCCF capacity and posts designated as dedicated or continuous*
- Facility design
- Inmate population
- Court requirements
- Jail Health Services
- *State law relating to fiscal responsibility for jail operations*
- *Federal law relating to employer/employee relationships, in particular the Family Medical Leave Act (FMLA)*
- *HIPPA*
- *Americans with Disabilities Act (ADA)*
- *Fair Labor Standards Act (FLSA)*
- *Military Leave and activated military leave*
- *Washington State Family Care Act and Family Leave Act*
- *State criminal law that impacts sentence lengths, court processes, and creates new offenses.*
- *Changes in State funding. For example: De-institutionalization of the seriously mental ill.*
- *State and County employment regulations*

²⁵ *Special Study, King County Jails*, Report No. 2002-05, January 28, 2003

- *Other leave types: bereavement, holiday, jury duty, school volunteer, short-term disability, and enhanced long-term disability.*

Factors over Which DAJD has Some Control

- Staff collective bargaining agreements
- Maintenance and supply
- Intake, Transfer and Release and Court Detail staffing
- *The Hammer Settlement Agreement as it relates to scheduled court and medical transports*
- *Organizational culture*
- *The use of Alternatives to Secure Confinement for pre-trial and sentenced offenders*
- *Coordination with other criminal justice agencies*
- *Booking fees and maintenance charges for contracting municipalities*
- *Attendance policy and the management of vacation and sick leave*
- *Compensatory time*
- *Donated vacation leave from one King County employee to another*

Factors over Which DAJD has Full Control (Policy Decisions)

- Staffing and inmate capacity at the Regional Justice Center
- *Hammer Settlement Agreement as it relates to the duties and schedule of posts designated as intermittent*
- *The duties and responsibilities of correctional officers by post and shift*

Because this study is also concerned with Jail Health Services we identify the following as factors over which the Department of Public Health, Jail Health Services has some or full control.

Factors over Which JHS has Some or Full Control

- *Identification of eligible inmates and recovery of health care costs from Medicare and other sources*
- *Special Custody status for classification of inmates needing mental health services and the setting in which they need them*
- *Decisions relating to the setting in which health care services are delivered*

These issues are discussed in the sections below.

THE HAMMER SETTLEMENT AGREEMENT

On June 11, 1998 King County entered into an agreement with the ACLU of Washington and inmate plaintiffs to settle litigation at KCCF concerning the following:

- Security issues
- Classification of inmates
- The number and use of jail beds
- Timely transports to court and Harborview Hospital, and
- The provision of health care in the King County jail.

Modifications

While approved by the court in settlement of litigation, the Hammer Settlement Agreement is a contract and not a court order. As a contract it is subject to contract law in the State of Washington and is, presumably, not appealable under the Prison Litigation Reform Act of 1996 or any other statute dealing with prison or jails. The contract can be modified upon agreement of the parties. In the absence of agreement, the parties are to attempt mediation prior to litigation. The Agreement has no termination date.

There are a variety of constraints imposed by the Hammer Settlement Agreement. The major constraints imposed on jail operations concern facility capacity and staffing. Certain operational issues, such as staffing for inmate movement, classification, and disciplinary procedures are also affected. These issues are discussed in detail below.

Capacity Limits Imposed by the Hammer Settlement Agreement

Capacity limits of the Hammer Settlement Agreement apply only to the KCCF and not to the RJC. The following table summarizes the limits imposed by the agreement.²⁶ The indented items in this table – “Tower dormitory units” and “West area of 4th floor”- are subcomponents under the Main tower and West Wing respectively.

KCCF Capacity Limits Under Hammer

Facility Component	Population Lid
Main tower	1,262
Tower dormitory units	160
West Wing	435
West area of 4 th floor of WW	90
Total facility	1,697

Other factors also restrict how portions of inmate housing areas may be used. Specifically, no cells may house more than two inmates and certain areas must be single celled. The latter includes all segregation areas, transitional housing for inmates with behavioral problems (“close security split housing units”), and cells used for inmates under mental health observation.

²⁶ Per the Agreement, these limits may be exceeded for brief periods of time not exceeding 24 hours.

DAJD has little or no control over restrictions on capacity contained in Hammer. These limits probably restrict capacity to a level somewhat lower than many jurisdictions would use for a comparable facility. For example, if DAJD were to use tower cells as they do currently (double celling five of 10 units), and if they were able to fill the dormitories on floors 8, 9, and 10 to 160 as permitted by Hammer, the total capacity of the tower would be 1,769 or 72 over the 1,697 limit set by the Agreement. Some jurisdictions might double a sixth housing unit, adding another 48 beds to total capacity. This would increase overall capacity to 120 over the limit set by the Hammer. Using a 2.5 percent vacancy rate (as is customarily used by DAJD for the KCCF), this would allow an increase of 118 inmates.

Under past circumstances doubling another housing unit would not be possible since five of the ten wings with cells are single celled for close/maximum security, administrative segregation, and mental health. However, under newly adopted policies by Jail Health Services, the number of inmates requiring single celled housing for mental health reasons has been cut essentially in half. This leaves one additional wing that could potentially be double celled.

The details of this issue are discussed in the "Operational Alternatives" chapter.

Staffing Requirement Imposed by the Hammer Settlement Agreement

The staffing requirements of the Hammer Settlement Agreement are somewhat complicated. The first complication concerns the classification of posts required for inmate supervision into three types. These types – dedicated, continuous and intermittent - refer to the permanency with which the post must be staffed.

- **Dedicated** - Except under extreme emergencies, dedicated posts must always be staffed. Another officer always covers a dedicated post when the regular officer goes on break or needs to use the restroom. Officers at dedicated posts do not under normal circumstances respond to codes emergencies.
- **Continuous** – Continuous posts are staffed at all times except in specific emergency situations such as a fire, inmate fight, medical emergency, or escape attempt. Another officer always covers a continuous post when the regular officer goes on break or needs to use the restroom.
- **Intermittent** – Intermittent posts do not have to be staffed at all times and may be vacated without relief for routine absences such as meals and breaks.

The primary difference between these categories is that a dedicated or continuous post is equal to an FTE plus relief. An intermittent post is part of an FTE with no relief. DAJD has little or no control over how dedicated and continuous staff are used. In contrast, the use of intermittent staff is dependent upon departmental policy.

Housing Unit Posts Required by the Settlement Agreement

Floor	Shift	Required Posts			
		Dedicated	Continuous	Intermittent	Total
TOWER					
11 th floor	1	0	2	2	4
	2	0	2	2	4
	3	0	0	2	2
8 th - 10 th floor	1	1	2	2	5
	2	1	2	2	5
	3	1	0	2	3
7 th floor	1	2	2	2	6
	2	2	2	2	6
	3	2	2	1	5
Subtotal		9	14	17	40
WEST WING					
4 th floor	1	2	0	2	4
	2	2	0	2	4
	3	2	0	1	3
2 nd & 3 rd floor	1	1	1	1	3
	2	1	1	1	3
	3	1	0	1	2
1 st floor	1	0	0	1	1
	2	0	0	1	1
	3	0	0	1	1
Subtotal		9	2	11	22
Total		18	16	28	62

In addition to these posts there are certain functions that must be maintained. These include both floor control and central control. The key distinction here is that the *function* – not the post – must continue.

Transportation to court and for medical reasons is also addressed in the Settlement Agreement. However, like control functions, the Agreement does not require a specific level of staffing for these functions, rather it defines a level of performance that is to be maintained. In particular, the Agreement specifies that sufficient resources must be provided to transport inmates to *scheduled court appearances* and *scheduled, non-emergency medical appointments*. Scheduled court appearances and non-emergency medical appointments are those which have been planned in advance. For example, the Agreement stipulates that advanced notice must be provided the prior day for Superior Court and Seattle Municipal Court (SMC) morning calendar, by 9:00 AM for SMC afternoon calendar, and by 1:00 PM for SMC night court.

Transportation for medical emergencies is to take priority over all other transports and over coverage of continuous and intermittent posts.

Under the Settlement Agreement, floor control is not a required post, nor is it necessary to staff activity officer posts or north and east wing officer posts on the third shift at all times. It is the opinion of the OMP team that the Settlement Agreement does not require staffing of housing units beyond what would be needed for normal prudent operation of a jail like the KCCF. It is our interpretation that the Hammer Settlement Agreement gives DAJD a reasonable amount of control over housing staffing at the KCCF and that the ability to exercise this control will be enhanced by technology improvements provided by the Integrated Security Project. In Chapter 6, "Operational Alternatives," potential improvements from the Integrated Security Project are reviewed along with the impact these may have on how the floor control function is maintained.

Jail Health Requirements

The primary requirement of the Hammer Settlement Agreement that affects Jail Health Services is the requirement that King County obtain and maintain accreditation of its health care operations by the National Commission on Correctional Health Care (NCCHC). It requires meeting all standards designated "essential" by NCCHC as well as nine standards designated as "important." About 10 percent of jails in the United States have NCCHC accreditation.

FEDERAL AND STATE LAW

Federal Law

Other than the Religious Land Use and Institutionalized Persons Act that defines how a court will evaluate restrictions most jails place on inmate religious practices, there are, to our knowledge, no federal statutes that directly affect the operations of local correctional facilities. While it could conceivably be viewed as a constraint, The Religious Land Use and Institutionalized Persons Act is not an issue that should affect the Operational Master Plan.

Constitutional issues and case law do, of course, form the backdrop for many jail practices, policies, and procedures. (See Appendix F, "Jail Design and Operation and the Constitution," for a relatively lengthy discussion of these matters.) Constitutional issues are clearly not ones that King County is going to challenge.

There is, however, federal law that affects employer/employee relationships in the workplace. One, which has an important effect on the amount of staff needed by DAJD, is the Family and Medical Leave Act of 1993 (FMLA).

Under Family and Medical Leave Act, covered employers – such as King County - must grant eligible employees up to 12 work-weeks of unpaid leave during any 12-month period for one or more of the following reasons:

- for the birth and care of the newborn child of the employee;
- for placement with the employee of a son or daughter for adoption or foster care;
- to care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- to take medical leave when the employee is unable to work because of a serious health condition.

Any King County employee who has been employed for at least 12 months and who has worked at least 1,250 hours during the rolling 12-month period immediately preceding the start of the leave and has a serious health condition is an eligible employee under the Act. For reasons that can be anticipated in advance (such as the birth of a child) the employee must give at least 30 days notice prior to commencement of the requested leave. Under unanticipated circumstances the employee is to give as much notice as possible. FMLA Leave can be full-time, intermittent or a reduced work schedule.

Since many positions within the department must be filled in the case of vacancy, someone must usually fill the position. Under the arrangement noted above it would appear that leave taken under the FMLA should cost the county nothing. This is not quite the case. First, when an employee on FMLA leave takes leave without pay the county still pays health benefits to include medical, dental and vision (except for life, accidental death, dismemberment and long-term disability). This amounts to approximately \$750 per month per employee. In addition, there is a fiscal impact to the department if the vacancy must be filled by using overtime.

Using overtime to fill vacancies created by FMLA may sometimes be necessary, but should be rare. The OMP team has been advised by DAJD that hours taken for FMLA purposes are included in the relief factor calculation. This should minimize the need to use overtime and reduce the fiscal impact due to FMLA.

Military leave is covered under the King County Code as well as the Personnel Guidelines in compliance with Federal law. DAJD reports a higher number of reservists than most other King County departments, thus a higher level of absences for all military leave and activated duty. Since 9/11, there have been 21 DAJD staff on activated military leave who have since returned and, as of the date of this report, nine currently on military leave.

The Americans with Disabilities Act is a Federal law, which requires employers to consider an extended leave of absence as a potential accommodation for individuals with a disability who are not yet released for work at the end of their job protected leave. This has extended leave of absences in the past for employees who meet the definition of disabled.

State Law

State law defines the responsibilities of the various players in the criminal justice system and the parameters by which sentences may be imposed. Bookings into the jail and the length of time individuals stay in jail are largely, but not entirely, determined by actors outside the Department of Adult and Juvenile Detention.

State law also largely defines the fiscal responsibility for jail operations.

Counties and cities are authorized, but not required, under state law to operate jails. Counties and incorporated municipalities are financially responsible for providing prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions. Any jurisdiction that does not directly provide one or more of these services may contract with another jurisdiction to do so. [RCW 39.34.180] It is under the provisions of this law that many municipalities contract with King County for jail services.

Counties are financially responsible for the prosecution, adjudication, sentencing, and – in the case of sentences up to one year - incarceration of adults charged with felony offenses. Counties are also responsible for felons held in jail on investigation or incarcerated prior to sentencing. Felons sentenced to terms of confinement in excess of one year are the responsibility of the state. [RCW 70.48.400] Persons held in jail solely by reason of a parole hold are the financial responsibility of the city or the county until the sixteenth day, at which time the state assumes financial responsibility. [RCW 70.48.420]

A booking fee may be charged to persons booked into the jail. The fee is based on actual costs or \$100, whichever is less. Booking fees may be collected from money in the possession of the person being booked, from money deposited in jail accounts on the person's behalf, or from assessments at sentencing. Booking fees must be reimbursed if charges are never filed, are dismissed, or the person is acquitted of all charges. [RCW 70.48.390 as amended in 2003.]

The governing unit responsible for the inmate is responsible for payment for emergency or necessary health care for uninsured and indigent inmates. However, if billed, the Department of Social and Health Services (DSHS) must reimburse health care costs in accordance with the rates established by DSHS, if the inmate is eligible under DSHS's medical care programs. [RCW 70.48.130]

These statutory requirements provide both constraints and opportunities for fiscal operation of the county's jails. As discussed below (see "Interlocal Agreement for Jail Services), there are factors that, over time, will increase the proportion of jail costs borne by the county.

In the 1980's the Washington State Legislature created a Corrections Standards Board whose authorization subsequently was sunset. RCW 70.48.071, however, requires that all units of local government that own or operate adult correctional facilities adopt, and operate in accordance with, standards for the operation of their jails. This was to have occurred no later than January 1, 1988, the date the Corrections Standards Board was sunset. These standards were to be "the minimums necessary to meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff, and specific state and federal statutory requirements, and to provide for the public's health, safety, and welfare." In theory, these standards could constitute a broad set of constraints, however few jurisdictions actually adopted such standards. In the absence of enforcement authority or consequences for inaction, there has been little incentive for jurisdictions to do so.

In 1988, King County Motion 7089 adopted by reference the CSB standards for detention and corrections facilities. As a motion it does not have the force of law and DAJD makes no regular reference to these standards.

The appendix to this document includes a section called "Washington State Jails – Selected Statutes, October, 2003." This section contains the wording of all statutes found by the correctional law attorney for the OMP, William C. Collins, in his review for this project.

There are also numerous state employment laws that affect DAJD and other public agencies.. The Washington Law Against Discrimination is a State law which has similar effects to those mentioned under the Federal Americans with Disabilities Act mentioned above.

Washington Family Care Leave provides for use of accrued leave when a spouse, child, parent or grandparent has a serious health condition or a medical emergency. There is no qualification criteria for this leave in terms of months/hours worked as FMLA and there is no limit of time off to which the employee is limited. Thus, all employees qualify for this leave.

Washington Family Leave covers women who are temporarily disabled due to pregnancy, providing the employee job protection rights typically 6-8 weeks from the birth by vaginal versus caesarian delivery.

Contracting Out

State law formerly prohibited use of contract labor to provide services "customarily and historically provided by [public] employees." The law was found unconstitutional by the Washington State Supreme Court several years ago. The law has since been changed to allow for competitive contracting. Under competitive contracting public employees can compete with private contractors for work put out to bid. Under the new law, in order to contract for services customarily and historically provided by public employees, the contracting agency must first determine if such a course of action is in the best interest of the agency. Employee organizations must then be given an opportunity to identify other strategies. If all other options fail, the services are put out to bid and the employee agencies may prepare their own response to a request for proposals. This process would certainly be the subject of competitive bargaining. These factors make privatization or use of inmate workers difficult, or perhaps even impossible, in King County.

KING COUNTY CODE AND ORDINANCE

In King County, Family Leave is required to be administered in accordance with the provisions of King County Code that requires that when an employee requests Family Leave, leave must be used in the following order:

- Sick Leave (family)
- Paid leave such as Vacation Leave, Compensatory time or Holiday Leave
- Leave without pay

King County Code and the County's Personnel Guidelines provide for additional types of leave that are not mandated by Federal or State law. This includes:

- Holiday Leave
- Compensatory leave
- Donated Leave
- Bereavement Leave
- Jury Duty
- Workers' Compensation
- Organ Donor
- School Volunteer Leave

All of these leave provisions have specific conditions and requirements that apply to all county agencies. Since the historical use of leave is included in the department's relief factor, these

county code provisions only affect DAJD if there is unusually heavy use of uncommon types of leave.

Ordinance 14430, Approving the Adult Justice Operational Master Plan.

As part of the 2000 King County Budget, the council approved funding to begin an Adult Justice Operational Master Plan (AJOMP). This was a multi-year review that included input from all of the county's criminal justice organizations and from nationally known experts. In addition, the County Council developed county criminal justice policies to guide the development of the plan. The policies relate to the use of the jail's secure detention resources, the need for alternative sanctions, and the importance of treatment all were incorporated into the AJOMP ordinance and adopted as county policy. The implementation of these policies has led to the creation of the Community Corrections Division, many new alternative placements, and the creation of many new treatment and other resources for offenders. The effect of some of these changes are reflected in the jail population forecast prepared for DAJD in May 2003 and are further discussed in Chapter 5, "Long-range Needs." A copy of Ordinance 14430 is included as Appendix A to this document.

CONTRACTS AND LABOR AGREEMENTS

Interlocal Agreement for Jail Services

Under RCW 39.34.180, each jurisdiction is responsible for the cost of prosecution, adjudication, sentencing and incarceration of adults accused of misdemeanor or gross misdemeanor offenses within their jurisdiction. For municipalities that do not have jails, this means that they must pay the county – or some other jurisdiction that has a jail – for incarceration services.

In accordance with the Interlocal Cooperation Act (RCW Chapter 39.34) and the City and County Jails Act (CW Chapter 70.48) King County has entered into interlocal agreements for jail services with the various municipalities within King County. The primary purposes of these agreements are to:

- Define the circumstances under which a municipality is responsible for the cost of booking and maintaining a prisoner,
- Establish booking fees and incarceration charges,
- Establish limits that diminish over time on the capacity of the jail to accept city-responsibility inmates,
- Establish limits on the capacity of the jail to accept inmates needing medical or mental health services and a mechanism to charge additional fees or transfer medical or psychiatric inmates to the custody of the city with jurisdiction,
- Establish a Jail Agreement Administration Group to assure the effective implementation of the interlocal agreement for jail services.

It is not possible to say whether a reduction in the use of jail for city-responsibility misdemeanants would have happened in the absence of these interlocal agreements, but use of other jails by King County municipalities accelerated at the time these agreements were being negotiated and signed. Many jurisdictions have contracted with Yakima County (and some other jails) where the cost of housing an inmate is far lower than the amount charged by DAJD. As a result, the number of city-responsibility inmates at the KCCF and RJC decreased dramatically in 2002. The decrease was so substantial that both the North Rehabilitation Facility and the West

Wing of the KCCF were closed. The trend line for misdemeanants in the jails in 2003 continued to go down, but at a much slower pace.

By the terms of the interlocal agreement, the maximum number of city-responsibility inmates who can reside in the King County jails decreases to zero by 2012. The decrease has targeted thresholds of 380 in 2004, 250 in 2005, and 220 in July 2005. Consequently, the decrease in city-responsibility inmates experienced in 2002 is expected to continue in the future. It can be anticipated that the municipalities will either contract with other jurisdictions to an increasing degree, or build their own or cooperative regional jails by 2012.

One far reaching consequence of this agreement is that the cost of running the jail, which in 2003 was offset by \$13,454,971 from municipalities, will increasingly fall on the county. By 2013 – except for reimbursement for small numbers of inmates with medical or mental health needs – this contribution will drop to zero. However, from the county's perspective, the reason for the interlocal agreement is to avoid the future cost of constructing additional jail space and paying for its operation which could, if sufficient expansion were required, more than offset the loss of revenue.

One complication associated with the billing procedure incorporated in the interlocal agreement is that municipalities have a financial incentive to find ways to reduce costs and shift them to other municipalities or the County. The extent to which this may be occurring is not known and further analysis is beyond the scope of this study.

Labor Agreements

King County has a long history of supporting employee's right to organize and collectively bargain. To the extent that elements in various collective bargaining agreements may limit DAJD's operational choices it must also be acknowledged that community and political support for organized labor may limit the extent to which – or even if – certain previously agreed elements may be changed. This said, in the broadest terms, collective bargaining agreements constrain labor and management to the articles therein until such time they are re-negotiated.

Additionally, current labor practices that are in place but not explicitly included in the CBAs must be negotiated before they are changed. This is due to what are known as "mandatory subjects of bargaining" which are basically changes that effect working conditions. A mandatory subject of bargaining is defined as any topic directly related to the wages, hours and other *terms and conditions of employment* of bargaining unit members.²⁷

As of the writing of this report there were eleven labor agreements between the County and unions that represent DAJD. Six of these agreements apply to employees of adult detention facilities. The table below shows which union is representing the employees, which departments have employees that are covered by the contract, all of the job classifications that are contained within the CBA, and the job classifications within DAJD that are contained in the CBA. In addition to the CBAs listed below, there are CBA's for services performed at the jails by other than DAJD employees, the largest of which is Jail Health.

²⁷ Basic Guide to the National Labor Relations Act, General Principles of Law Under the Statute and Procedures of the National Labor Relations Board, U.S. Government Printing Office, Washington, D.C. 1997

**Collective Bargaining Agreements of Adult Detention and
% of Represented Employees Who Work for DAJD in Adult Secure Operations**

Union	Contract	Classifications - DAJD	DAJD
King County Corrections Guild	Department of Adult & Juvenile Detention	Corrections Officer Corrections Sergeant	100%
Service Employees International Union, Public Safety Employees, Local 519 DAJD Management Bargaining Unit	Department of Adult & Juvenile Detention	Corrections Prog Administrator Corrections Program Supervisor Occupational/Trng Administrator Psychiatric Svcs Administrator Records Management Supervisor Supervisor I Supervisor II	100%
Uniformed Command Association	Department of Adult & Juvenile Detention	Corrections Captains	100%
Washington State Council of County and City Employees, Council 2, Local 21AD	Department of Adult & Juvenile Detention, Department of Public Health	Administrative Specialist I Administrative Specialist II Administrative Specialist III Corr Program Specialist Corrections Program Specialist Occupation Educ-Trng Coord Personal Recogniz Investigator Pretrial Investigator Psychiatric Eval Specialist Recreation Coordinator	73%
Service Employees International Union, Public Safety Employees, Local 519	Non-Commissioned - Departments of: Adult & Juvenile Detention, Department of Public Health, Community and Human Services, Sheriff's Office	Administrative Specialist I Administrative Specialist II Administrative Specialist II Community Corr Caseworker Corrections Technician Fiscal Specialist I Fiscal Specialist II Fiscal Specialist II	17%
Joint Crafts Council, Construction Crafts	Construction Crafts	Cook-Baker Cook-Helper Lead Cook-Baker	4.5%

There are three major themes with the CBAs that affect DAJD's operations :

1. The sheer number of CBAs increases management's responsibilities and affects how the department is operated.
2. Some CBA's represent both people who work for DAJD and people who work elsewhere. This complicate negotiations and management for all affected agencies.
3. Some employees from other agencies, working under CBAs outside of DAJD's control, work at DAJD facilities. This limits DAJD's influence over the contract contents and these employees.

The constraints imposed by these labor agreements can be divided into two categories: general constraints and specific constraints. These constraints are listed below.

It should be emphasized that while these issues are identified as constraints, their identification in no way implies that the OMP Team thinks that specific changes are needed or even advisable. If an alternative discussed in this report (see Chapter 6, "Operational Alternatives") involves removal or modification of any of these constraints, that issue will be noted there.

The general constraints are as follows.

1. The contracts have different beginning and expiration dates. This means that changes in labor practices go into effect at different times for various employees. Implementation is more complex than if all the time frames were the same. On the other hand, it may be difficult for the county to simultaneously engage in six separate negotiating sessions. Thus, the reasonable solution is to have fewer contracts.
2. Contract negotiations are time consuming. Having fewer contracts would decrease the workload of DAJD management as well as the expense of time away from the job for bargaining unit employees that are involved in contract negotiations.
3. Although there has been an attempt to synchronize the language where possible throughout the six contracts, combining the contracts would decrease the likelihood of making an error in labor practices.
4. Having job classes under different bargaining units means employees do not have reversion rights when there is a reduction in force. In other words, if a correctional officer is "laid-off", he/she cannot revert to a previously held corrections technician position because the corrections technicians are in a different bargaining unit. Thus, DAJD has the potential of losing employees in which they have invested.
5. DAJD's ability to influence contract negotiations is limited in those situations where the bulk of the employees for a particular bargaining unit are not employed by DAJD. An example is the Construction Crafts unit, where only 4.5%, or 27 out of 599 of the covered employees are employed by DAJD.
6. Because jail health services are provided by a separate Department of Health, DAJD's ability to control service delivery is limited. Communication and cooperation between the two agencies has, reportedly, improved in the recent past, although the separate labor agreements upon which DAJD has no control remains a constraint.

Specific constraints

1. Officers are required to be given two fifteen (15) minute rest periods, inclusive of travel time, and a thirty (30) minute lunch break per shift.²⁸ These breaks are at the employer's expense due to the fact that employees must remain available for duty.²⁹ Consequently, DAJD must provide relief three different times to each officer in a dedicated or continuous post during each shift. Intermittent posts do not require relief.
2. The Human Resources Division assisted by DAJD negotiates for wages. Wage negotiations mean that DAJD cannot fully predict future costs and that wage increases are different under the various contracts.
 - a. The largest bargaining unit, The Corrections Guild, negotiates wages every three years. The current contract language specifies an increase during the first year equal to the greater of 3.2 percent or ninety percent of the Consumer Price Index, with a cap

²⁸ King County and KC Corrections Guild CBA, Article 10, Section 3.

²⁹ Fair Labor Standards Act, Compensation and Leave Decisions: Case #:S002345.

- of six percent.³⁰ The identical process occurs in the second and third years with the minimum being 3.5 percent each year.
- b. Wage increases under the second largest bargaining unit, Non-Commissioned Employees are similar, but the increase can be as low as two percent. This has the potential of creating a difference in increase in wages between job classes.
 - c. Another example of wage differences is Lead Worker Pay. (This is when an employee is asked to take the lead on a particular assignment within the same class of employees.) It is an additional five percent for Corrections Guild employees and 7.5 % for Joint Crafts Council employees.
 - d. The CBA's for the Corrections Officers, Sergeants and Captains (over half of DAJD employees) provide for a short-term disability insurance policy. This enables employees with non-industrially related conditions to receive approximately 60 % of their wages for a maximum of \$600 weekly for a maximum of 12 weeks if they are not medically released to perform their job. If these employees have purchased enhanced long term disability (LTD) benefits, their benefits extend longer but at no cost to the county.
3. The Corrections Guild CBA contains a no-strike law and the Uniformed Command does not. This means the jail could be open without the support of captains.
 5. The variety of CBAs means that some of the bargaining unit groups are small which creates an inefficient business model. This is particularly true when backfilling for absences. A good example is the corrections technicians versus correctional officers. The corrections techs are such a small group that it is necessary to use overtime in order to maintain their staffing levels. This is in contrast to the relief pool within the correctional officers that can be used to backfill for absences without the use of overtime. Another example is correctional officers and classification staff. At one time, officers completed classification work. Now that the classification staff is in a separate bargaining unit, officers no longer do this work. Again, the need for overtime arises when classification staff members are absent.
 6. Article 18 of the Corrections Guild contract indicates that the CBA constitutes the whole and entire agreement between the parties. However, there are a number of memorandums of understanding (MOUs) that have never been incorporated. When a new CBA is negotiated, the MOUs are simply reprinted with a new date. This means that one must be aware of all the MOUs as well as the contract language. Incorporating the MOUs into the new contract reduces the complexity of the agreement and implies a whole and entire agreement.
 7. At one time many of the routine maintenance functions such as cleaning and painting at KCCF were performed by inmates. These functions are now being performed by trades workers. This reportedly results in increased costs (not only in terms of trades worker wages, but trades workers must be escorted by correctional officers), decreased sanitation and increased inmate idleness. One solution is to have a vocational program similar to the one at the RJC where a community college provides a janitorial training program for inmates. Although a pilot program is being discussed, the funding is temporary and there are a couple of potential labor constraints. First, trades workers may be displaced and correctional officer escorts would no longer be required.

³⁰ King County and K C Corrections Guild CBA, Article 8, Section 1, 1a and 1b.

8. The chain of command does not include lieutenants. Captains run the three shifts and various program areas such as Court Detail at KCCF and ITR at the RJC. This is reportedly a result of legal action when the current KCCF building opened. The lieutenants successfully argued to a superior court judge that they were performing captain duties and all lieutenants were upgraded, including the shift commanders. The result is increased cost.

PHYSICAL PLANT CONSTRAINTS - KCCF

Expansion Potential

There are limited possibilities for expansion if additional capacity is ever needed at the King County Correctional Facility. Vacant county-owned property is available to the south of the jail.³¹ While we have not reviewed zoning and other factors related to possible expansion at this site, there is room for construction of a substantial structure. If the county were to build on this site it would likely have to provide underground parking for employees.

It was also reported to the OMP team that the foundations for the West Wing of the KCCF were designed to support an eleven story building. In other words, the original intent of the design was to permit construction of additional floors on the West Wing to extend up to the height of the current tower. Building codes have changed in the intervening years and it may be that current seismic construction standards would no longer permit such expansion. Detailed review by a structural engineer would be needed prior to making any plans for adding floors to the West Wing.

Housing Unit Design

There are two types of housing configurations in the main tower. Five floors have two, more or less identical, housing units with cells. Four of these floors also have a dormitory unit. The cells on the top two floors of the tower were constructed to be the most secure in the building. The dormitory units in the Tower are generally used for only minimum custody inmates or medium custody inmates who have a low behavioral risk score.

The maximum capacity of the main tower is limited by the Hammer Settlement Agreement (see below) to 1,262 inmates. By the same agreement, dormitories in the tower may house no more than 160 inmates.

In addition to the main tower, the KCCF also has inmate living areas in a part of the building referred to as the West Wing. The West Wing was originally constructed to be a work release facility. As such it is only suitable for minimum or community custody inmates.

The maximum capacity of the West Wing is limited by the Hammer Settlement Agreement to 435 inmates. At the time this report was written the West Wing was empty.

The primary constraint imposed by housing unit design at the KCCF is the ability to appropriately house inmates of different custody levels. While inmates may be housed in an area of higher security than their custody level requires, they may not be housed in areas with a security level lower than their custody level. Consequently, a jail needs to have a sufficient number of beds at the right security level to match the custody profile of the population it houses.

³¹ The site is currently used as a surface parking lot.

Historically this has not been an issue at the KCCF. The following table shows a summary of the capacity of the KCCF by security level under the Hammer Settlement Agreement if the use of cells is maximized.

KCCF Capacity by Security Level under Settlement Agreement
(Assuming maximizing use of cells)

LOCATION	SECURITY LEVEL					TOTAL
	CLOSE/MAX Requires sliding doors and single occupancy cells	SPECIAL POPULATIONS Requires single cells	MEDIUM Generally requires double occupancy cells	SUB-TOTAL	MINIMUM Dorms suitable for some medium custody inmates ³²	
Tower	192	48	476	716	546	1,272
West Wing					435	435
Total	192	48	476	716	981	1,697
% of total	11%	3%	28%	42%	58%	

Other configurations are possible under the Hammer Settlement Agreement but, unless one were to eliminate the single-celled special population housing and turn it into double occupancy, all other options increase the percentage of minimum security beds and decrease the percentage of higher security beds. The overall capacity of 1,697 cannot be exceeded under Hammer.

If the demand for beds at medium security and higher exceeds the 716 bed capacity noted in the table above, more inmates will have to be sent to the Regional Justice Center or additional cell capacity will have to be added at the KCCF. Or, as noted in the table, the South Dorms could be used for certain medium custody inmates.

Inmate Movement

In a modern jail there is little reason for an inmate to leave his or her housing unit. There are programs on the unit, visiting on the unit, outdoor recreation on the unit, medical triage on the unit. The only time most inmates leave a modern jail housing unit is for court, for more extensive medical screening or treatment, for transfer to a disciplinary unit, or for release or transfer to another facility.

The KCCF is very different. In the tower, all of the functions noted above occur outside the housing units in the central core.

Inmates going to court not only have a long horizontal distance to go but, unless they are housed on the eighth floor, they must travel up or down through an elevator. This is a time constraint since they must wait for a control officer to open/close elevator sally port and elevator doors and to move elevators from floor to floor. There are three inmate elevators within KCCF that serve five housing floors. Outside of the KCCF facility, when transporting inmates to the downtown courthouse two blocks away, staff utilize a skybridge to horizontally move inmates but vertical movement in the courthouse is done from one freight elevator.

³² Medium custody inmates who are classified as medium for reasons of criminal history and current offense may be housed in the Tower dormitories as long as they are not also medium custody for behavioral reasons. The OMP team does not recommend using the West Wing for anything other than minimum or community custody inmates.

This translates into far more inmate movement at the KCCF than in a modern jail. Every time an inmate moves from a housing unit to any of these other places at least three doors (dayroom, wing, and floor) must be opened and closed. If the inmate is in his or her cell, or is being moved to another floor, additional doors are involved. It is commonly accepted correctional practice at medium security and above that no two doors be open at the same time. In sally ports and in other situations electronic interlocks often make it impossible to two doors to be open at the same time. Throughout such movement the inmate must either be escorted or observed.³³ Because of the design and current technology of the building the only way this can be done in a safe and effective manner is through the presence of staff. These are some of the consequences of this design:

- Floor control officers (who are enclosed in a control room within the central core on each floor) open and close doors to the wings and on the central core 24 hours a day, 365 days a year. Floor control officers also observe inmate movement within the central core, watch inmates in the visiting booths, and observe - as best they can - activities in the recreation yards and multi-purpose room. They also can see the officer at his or her workstation within the housing units thereby providing an additional means of determining if an officer is in distress. Finally, they coordinate responses to emergencies on the floor by calling the emergency into Central Control and continuing to operate the doors on the floor.
- A triage officer watches inmates as they wait on a bench outside the triage room for their turn to see the triage nurse.
- Activity officers provide escorts for inmates who require more than observation while moving from one location to another and provide relief for breaks and lunches for other posts on the housing floor.
- Court detail officers come to each floor where they take an inmate, or a group of inmates, to either the King County Courthouse via the eighth floor bridge, Seattle Municipal Court by way of the tunnel under James Street, or one of the courtrooms on the second floor of the KCCF.

All of this requires staff. A modern facility would not be designed like this. If movement were limited to going to and from court, or to and from intake and release, the function of floor control would be reduced to opening and closing a few doors. If this were the case, the floor control function could be transferred (with the appropriate technology) to a central control room on all shifts – such as is done at the RJC. At KCCF this function requires five 24/7 posts due to the design of the facility. That's the equivalent of nearly 27 FTE's. The changes that would be required to accomplish this at KCCF are extensive.

Sight Lines

The ability to see inmate activity is of critical importance to the operation of a correctional facility. Modern correctional design emphasizes clear sight lines in order to maximize the effectiveness of officer supervision of inmate living and activity areas. Maximizing the effectiveness of individual officers minimizes the number of officers needed. The King County Correctional Facility is an old design and derives no benefit from these modern design concepts.

³³ Most jurisdictions do not escort minimum custody inmates. Some do not even require observation of minimum custody inmate movement.

The primary issue with regard to sightlines at KCCF is the design of the central core on each floor. This is where floor control is located and where most inmate activities take place.

Sightlines in the central core on each floor vary from excellent to poor. General movement in the core and within the elevator sallyport can be easily observed by the floor control officer. Because of the orientation of the visiting booths the floor control officer has a good view of inmates and visitors at the near end of the visiting area and relatively poor visibility of those at the far end. The recreation yards and multipurpose room are viewed by this officer through direct observation and cameras. Activity officers who work in this area supervise smaller rooms where services are provided to supplement the observation of the floor control officer.

The design of the central core makes supervision of inmate activities more difficult than would be the case in a modern facility.

Vertical Circulation

As noted above, the KCCF has two primary components: the main tower and the West Wing. The main tower, where all of the higher security inmates and most of the other functional areas of the jail are housed, is twelve stories high. The west wing is seven stories high.

As a high-rise building, vertical circulation is by elevators, with stairs providing secondary and emergency means of vertical movement. The need for elevators complicates inmate movement and makes inmate supervision more difficult. This increases the number of situations when inmates must be escorted by staff.

PHYSICAL PLANT CONSTRAINTS - RJC

Expansion Potential

The property on which the Regional Justice Center is located has capacity to add an additional four housing units. The building was not designed to allow vertical expansion.

Housing Unit Design

Each general population housing unit at the RJC has 64 cells originally constructed for single occupancy. In recent years some units have been modified by adding a second bunk to some of the cells.

The primary constraint imposed by housing unit design is housing capacity and its relationship to housing unit staffing. Under single celled operation there is one officer for up to 64 inmates. This is a very common ratio for direct supervision units throughout the country. It is the policy of the Department of Adult and Juvenile Detention to add a second officer whenever any part of a unit is double celled. While the threshold where this takes place may vary from facility to facility, adding a second officer when a unit is double celled is also common practice. Current DAJD policy is to double up to 80 percent of the cells in a housing unit. This increases the capacity of a single unit from 64 inmates to 115 inmates.

The RJC has very few maximum or close custody beds. Those high security beds that they do have are used for disciplinary segregation. Consequently the vast majority of close and

maximum custody inmates in the DAJD system are housed at the KCCF. This is an additional limitation imposed by housing unit design at the RJC.

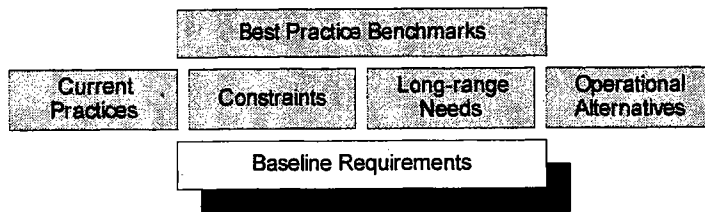
Inmate Movement

The RJC requires very little movement by inmates. Many programs are offered in the unit, visiting is from visiting booths on the mezzanine floor in the unit, outdoor recreation is in a yard the opens onto the unit, medical triage occurs in the unit. Only inmates going to and from court, inmate workers, and inmates going to some programs have to leave the unit. When they do, movement throughout the facility can be seen from a single vantage point at a post called housing control. Except in the adjacent courthouse, there are no elevators.

Unlike the KCCF, inmate movement does not materially affect staffing levels at the RJC.

Sight Lines

Sight lines at the RJC are excellent and do not negatively affect operations of the building.



CHAPTER 3

BASELINE REQUIREMENTS

INTRODUCTION

In this chapter the term “baseline” is used to describe the minimum requirements necessary to operate a safe facility that meets constitutional requirements. In some respects the baseline is a theoretical construct in that it considers factors independent of the real world constraints within which DAJD operates. To the extent that alternatives are considered through this Operational Master Plan that relate to issues identified in this baselines chapter, those alternatives must include a way to modify or eliminate any constraints with which they conflict.

In defining the baseline operations for a jail, one must ask: who or what defines the required operations, and on what criteria do we establish the baselines for those operations? As will be seen from the discussion below, while there may be consensus within a range of operational options, there is no single answer to these questions.

In this chapter, we propose baselines for operations within the following functional areas at the KCCF and RJC:

- Administration
- Intake, Transfer and Release
- Classification of Inmates
- Inmate programs
- Inmate services
- Court Detail
- Custody Operations
- Emergencies
- Jail Health Services

CRITERIA FOR ESTABLISHING BASELINES

King County Code requires DAJD to manage and be fiscally responsible for its five divisions: the Seattle division, the Kent division, the juvenile division, the community corrections division, and the administrative services division.³⁴ County Code further delineates ten duties of the DAJD as follows:

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;

³⁴ King County Code, Chapter 2.16.120, Section A1.

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.³⁵

Although King County Code provides the general charge for *what* DAJD must do, it does not specify *how* it is to be done.³⁶ There are a number of sources that require certain levels of performance or that provide further direction to local jails. The ones examined in this report are the:

- Revised Codes of Washington (RCW's)
- Washington Administrative Codes, including standards developed by the Corrections Standards Board in the 1980's (WAC's)
- Washington Association of Sheriffs and Police Chiefs (WASPC)
- American Correctional Association (ACA)
- Published jail standards from various jurisdictions around the country.

There is much repetition between these sources. Therefore, the unit of government that is most local will be cited first. In other words, if all five require a policy manual, the King County Code citation will be used because it is the most local unit of government.

DAJD is not required to comply with the standards developed by the Washington State Corrections Standards Board or ACA. The Corrections Standards Board was repealed by the Legislature in 1988. It is mentioned here because it represents the best local expression of minimum standards for jail operations. The ACA is mentioned because it has long been recognized by courts around the county as the leader in setting jail and prison standards. The ACA standards for adult local detention facilities are the most specific source document containing thirty chapters on administration, physical plant, operations, inmate services, and programs in 181 pages.

WASPC publishes guidelines that are a somewhat condensed version of the Washington Administrative Code.³⁷ These are reproduced in Appendix A. These guidelines specify the

³⁵ King County Code, Chapter 2.16.120, Section B.

³⁶ King County Code, Chapter 2.16.120, Section A1.

³⁷ Washington Administrative Code 289, Guidelines for local correctional facilities (formerly Corrections Standards Board).

critical elements of jail operations such as how often the welfare of inmates is to be checked, written policy topics, and emergency procedures.

It is important to note that while these documents delineate how the functions are to be performed, they do not include a process for measuring the quality of performance. Therefore, this information is only intended only to describe what is required and if DAJD is following the requirements.

ADMINISTRATION

The mission of the DAJD is stated in their General Policy Manual as:

“The DAJD contributes to public safety by operating safe, secure, and humane detention facilities and community corrections programs, in an innovative and cost-effective manner.”³⁸

This fulfills a standard of the American Correctional Association Standard which pertains to a written document delineating the agency’s mission.³⁹

The WASPC guidelines do not include administrative requirements other than the need for written policies in the following areas: legal confinement authority, admissions, telephone calls, admission and release medical procedures, medication and prescriptions, personal property accountability, vermin and communicable disease control, releases, and inmate correspondence and visitations. The Washington Administrative Code outlined somewhat more restrictive requirements including that the chief law enforcement officer of the jail is to develop and maintain an organizational chart and an operations manual of policies and procedures.⁴⁰ It further requires the organization chart and manual be reviewed by all staff prior to assignment and that staff review be verified by signature. In addition, the WAC advises that the policies and procedures be reviewed and revised as appropriate on a continuing basis, but at least yearly.

When DAJD was requested to provide organization charts and policies, the organization chart was current, but many policies were not available for our review because they were reportedly out of date. This includes the table of contents to the policy manual. It appears that few posts have up-to-date post orders.

The WAC further requires physical fitness standards be set and enforced.⁴¹ DAJD does not have physical fitness standards after an officer finishes the academy.

Staff training is a large section of the WAC.⁴² It requires a written record of specific pre-service orientation to each newly hired jail staff member prior to being assigned to duty. New correctional officers must also complete the Criminal Justice Training Commission basic correctional academy within the first year of employment and continue to receive twenty hours

³⁸ DAJD General Policy Manual, 1.01.007 Mission Statement

³⁹ Standards for Adult Local Detention Facilities, 3rd Edition, American Correctional Association, Standard #3-ALDF-1A-02,

⁴⁰ WAC 289-14-200, Sections 1-3.

⁴¹ WAC 289-14-210, (4).

⁴² WAC 289-14-220.

of in-service training each year. ACA standards specify that correctional officers receive 40 hours of in-service training after the first year of employment. DAJD provided initial and on-going training consistent with this requirement in the 1980's when the Corrections Standards Board was still in existence. Currently, initial training consists of three weeks of in-house orientation, four weeks at the state academy and six weeks of working along side a field training officer. Because of budget reductions, funding for on-going training has been eroded over the years and less is done now. DAJD currently provides the following training: required NCCHC training for all staff (mandatory medical training), county mandated training (e.g. sexual harassment), recertification training for weapons and driving buses, and other on-shift training. Training is provided on an as-needed basis when new technology or other changes are deployed. It was also reported that some officers have volunteered to attend the Washington State Criminal Justice Training Academy on their own time but, apparently, labor laws prohibit attendance without compensation. In short, DAJD is in compliance with initial training requirements but is unable to provide in-service training consistent with baseline standards.

RCW 70.48.071 required all local jurisdictions which operate adult correctional facilities to adopt standards no later than January 1, 1988, the date the Corrections Standards Board was sunset. The law has no enforcement provision or penalties for non-compliance. DAJD, along with many other jails in the state, has never adopted jail standards into county code.

INTAKE, TRANSFER AND RELEASE

Procedures for intake, transfer and release appear throughout the WAC. The section on admissions generally describes the procedures employed by DAJD at KCCF and RJC.⁴³ It specifies the conditions under which certain types of searches (pat-down versus body cavity) may occur, booking records, medical, substance abuse and mental health screening, personal identification procedures (photos and finger prints), personal property inventory and authorized phone calls. It further requires that inmates receive an orientation to the facility. DAJD has booklets and an orientation video they provide to inmates that describe facility operations and inmate rules.

The WACs briefly address transfer and release procedures.⁴⁴ They require positive identification of the inmate and legal authority for the release. The inmate must sign for receipt of his/her property and in the case of a transfer, the receiving unit must have authority to accept custody of the inmate. DAJD follows these procedures for transfers and releases.

CLASSIFICATION OF INMATES

King County Code specifies that DAJD will classify inmates and evaluate them for mental illness. Additionally, the WAC includes a section on classification procedures.⁴⁵ It requires that inmates be classified via interview as soon as reasonably possible. The inmate must be promptly informed of any decision other than general housing and be afforded a review of the decision.

DAJD uses the Objective Jail Classification system which has been sanctioned by WASPC as well as the National Institute of Corrections. It includes a procedure for evaluating incoming

⁴³ WAC 289-16-200.

⁴⁴ WAC 289-16-250.

⁴⁵ WAC 289-16-230.

inmates for acute and chronic mental illness. Greater detail on the classification system is provided in the current practices chapter, so it is not repeated here.

INMATE PROGRAMS

The WAC refers to the following inmate programs:

- Physical exercise – each inmate is entitled to three hours of exercise per week on three separate days with appropriate equipment and supplies. Exercise shall be outdoors, weather permitting.
- Work – optional (must be voluntary for pre-trial detainees)
- Education and training – optional
- Leisure time activities – optional

Thus, the only one of these programs that is actually required by WAC is physical exercise. The WAC standard for physical exercise is fairly typical compared to other jurisdictions. Table 1 shows minimum standards for physical exercise for six jurisdictions whose standards are available on the internet.

Table 1: Comparison of Jail Standards for Inmate Exercise

Jurisdiction/Standard	Min Hours per week	Other
Washington Administrative Code	3	If weather does not permit, physical exercise shall be provided indoors. One hour on three separate days.
California Minimum Standards for Local Adult Detention Facilities	3	Standard is for “exercise and recreation”
Florida Model Jail Standards	3	Outdoor, weather permitting
Illinois Joint Committee on Administrative Rules, County Jail Standards	7	One hour per day
Texas Commission on Jail Standards	3	One hour at least three times per week.
Minimum Standards for Local Correctional Facilities, Rules of the Tennessee Corrections Institute	7	One hour of physical exercise per day, with at least three exercise periods per week, outside the cell.

We could find no policy stating the hours of exercise inmates are to receive each week in the materials provided by DAJD. However, activity schedules for housing wings at the KCCF indicate that DAJD meets the minimum requirement for exercise as specified in WAC. Furthermore, on multiple trips to DAJD’s facilities, we observed the exercise yards to be in frequent use at both jails.

The physical configuration of outdoor recreation areas is quite different at the two jails operated by DAJD.⁴⁶ At the KCCF inmates must leave the housing unit and go to one of two small semi-outdoor exercise yards that are located on each floor of the tower building. Inmates at the RJC have exercise yards clearly visible to the housing unit officer which are located adjacent to each unit’s dayroom. The KCCF configuration results in additional movement and supervision

⁴⁶ See the chapter on Constraints for a more thorough discussion of these differences.

requirements outside the living unit that are not experienced at the RJC. A modern facility, such as the RJC, provides physical exercise in a more staff efficient way.

While WAC only requires physical exercise, the King County Code is more restrictive. In addition to exercise, the programs section requires outside agency access for library, recreational and educational services.⁴⁷

Library services at the jails are provided by the King County Library system. Educational services for juveniles being held as adults are provided by the Seattle and Kent School Districts. Adult Basic Education, English as a Second Language, and GED classes are provided at both facilities. Classes are taught by Seattle Central Community College, Renton Technical College, AmeriCorps members, Literacy Source, the University of Washington Pipeline Program, and volunteers.

INMATE SERVICES

The King County Code has requirements relative to food, health care and social services. The WAC requires telephone usage, mail, food service, health services, visiting, commissary, hair care, legal assistance, and religious services. Counseling services are optional under the WAC. DAJD provides all of these services either directly or through other government funded agencies or volunteer organizations. The key services are discussed below.

Food service

King County Code requires nutritional meals daily to confined or committed adult persons, including preparation of special meals in response to medical and religious requirements. The WAC is more specific and requires the following:

1. General food requirements.
 - a. At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal.
 - b. Jails may arrange for prepared meal service or serve frozen packaged meals, provided these meals conform to the other requirements of this section.
 - c. Meals shall be served in a reasonable manner, hot food served hot, cold food served cold.
2. Nutritional and caloric intake.
 - a. Jail menus shall be reviewed by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified.
 - b. Diets ordered by medical staff shall be strictly observed.

Although a full audit of DAJD's food service has not been conducted, review of their menu planning and daily procedures indicate that they meet these requirements. Two hot meals are served each day. Lunch is a cold meal. Menus are planned by a dietician.

Health Services

Medical and mental health services are provided to DAJD inmates by the King County Department of Public Health. Most hospital services are provided by The Harborview Medical Center. The WAC includes an extensive section on health care regarding:

⁴⁷ King County Code, Chapter 2.16.120, Section A1.

- Policies and procedures
- Responsible physician and licensed staff
- Health screening
- Access to care
- Training
- Medication control
- Records
- Special medical issues
- Access to facilities
- Clothing, bedding and personal items
- Sanitation⁴⁸

In addition, the Revised Code of Washington stipulates that “as part of the screening process upon booking or preparation of an inmate into jail, general information concerning the inmate's ability to pay for medical care shall be identified, including insurance or other medical benefits or resources to which an inmate is entitled.”⁴⁹ At the time this report was written neither DAJD nor Jail Health Services was routinely collecting this information.

The most restrictive requirement relative to inmate health services is imposed by the Hammer Settlement Agreement which specifies that King County must obtain and maintain accreditation of its jail health services program by the National Commission on Correctional Health Care (NCCHC). While NCCHC accreditation is an impressive accomplishment, this is a burden not normally imposed on jails. Indeed, nationally, only about 10 percent of all jails are accredited by NCCHC. King County complies with this requirement.

During the months that this Operational Master Plan was being developed, Jail Health Services was devising and implementing substantial revision to their business practices that are expected to result in significant savings while maintaining, or improving, the level of care provided.

Visiting

Visiting is not covered by King County Code, but is covered extensively by WAC⁵⁰ and is a matter that has often been litigated. According to the WAC, open visitation is to be provided to inmates that are determined to present a minimal degree of risk to the safety and security of the institution, as determined during the classification process. The WAC goes on to describe requirements of inmates during visiting, business and professional visits, and visits by immediate family members. It specifies that inmates must be permitted at least three hours of visiting per week. As shown in Table 2, this standard is relatively generous compared to other jail standards available on the internet.

⁴⁸ WAC Chapter 289-20, Sections 200-290.

⁴⁹ RCW 70.48.130

⁵⁰ WAC Chapter 289-24-220.

Table 2: Comparison of Jail Standards for Inmate Visiting

Jurisdiction/Standard	Minimum		Other
	Visits per week	Hours per week	
Washington Administrative Code		3	
California Minimum Standards for Local Adult Detention Facilities	2	1	as many visits & visitors as facility schedules, space, & personnel allow
Florida Model Jail Standards		2	
Illinois Joint Committee on Administrative Rules, County Jail Standards	2	0.5	One visit must be on weekend. No visits shorter than 15 minutes.
Texas Commission on Jail Standards	2	0.67	One visit must be on weekend or evening. No visits < than 20 minutes
Minimum Standards for Local Correctional Facilities, Rules of the Tennessee Corrections Institute		1	

On the larger floors in the KCCF, if every inmate were to have three hours of visiting per week, the visiting booths would have to operate 20 hours per day, seven days per week. Additional time would be needed for attorney visits. Fortunately (at least for purposes of meeting this standard), most inmates have few, if any visits. Based on discussions with DAJD staff and observations of inmate visiting, it appears DAJD is able to provide sufficient visiting opportunities to meet demand, although visiting periods are sometimes cut short during peak evening and weekend visiting hours.

The physical configuration of visiting is quite different at the two jails operated by DAJD.⁵¹ In particular, as noted above for inmate programs, the visiting arrangements at the KCCF increase staff workload in a way not experienced at the RJC or most other modern jails.

Religious Services

The WAC requires that inmates be able to practice their religion and have reasonable access to religious services.⁵² Federal law makes clear that government officials cannot impose unreasonable burdens on inmates' religious rights.⁵³ A wide variety of religious services and activities are provided by local religious groups at both DAJD facilities.

Treatment Services

Various treatment oriented programs are provided at both facilities. These programs cover issues such as substance abuse, domestic violence, wellness, and transitional services. Some of these programs are provided by government agencies such as King County Public Health and the Veterans Hospital. Others are provided by various social service agencies and volunteers. Both facilities have active Alcoholics Anonymous and Narcotics Anonymous groups.

⁵¹ See the chapter on Constraints for a more thorough discussion of these differences.

⁵² WAC 289-22-200(5)

⁵³ The Religious Freedom Restoration Act of 1993, and the Religious Land Use and Institutionalized Persons Act of 2000.

COURT DETAIL

King County Code requires DAJD to transport confined or committed adult persons to and from court and provide secure escort of those persons outside the facilities. The WACs do not address this issue. The Hammer Settlement Agreement stipulates that "King County shall provide sufficient resources to transport inmates to scheduled court appearances." The Agreement goes on to say that:

"Scheduled court appearances means those court appearances for an inmate of which the Department of Adult Detention has been notified by 1 p.m., the day prior to the appearance or which occur on a regularly scheduled basis, such as omnibus, initial appearance, or arraignment calendars. Scheduled court appearances shall not include add-ons by judges or their staffs, schedule changes without the above specified notice, or unannounced departures from established court practice."

Strictly speaking, the Hammer Settlement Agreement does not require DAJD to transport inmates to unscheduled court appearances. The Agreement does not, of course, speak for judges, lawyers, and others who expect the defendant to be present whenever required by the court. The bottom line is that *Hammer* does not impose an unreasonable burden on Court Detail and therefore does not affect staffing levels in this area of DAJD's operations.

Court Detail is staffed with a Captain, three Sergeants and sixty Officers. Court Detail also transports inmates to outside medical appointments. The most time consuming duty for court detail officers is providing supervision and security of inmates while in court. This is particularly true for cases that go to trial. The Court Detail unit meets the baseline requirements for this function.

CUSTODY OPERATIONS

Although King County Code does not address jail staffing, staffing is addressed by the WAC and ACA standards. Although neither the WAC nor ACA specify how many officers are required, they do specify minimal levels of staff presence for some situations.⁵⁴ For example, at least one staff member must be awake, alert and directly responsible for supervision and surveillance at all times. Also, there shall be continual sight and/or sound surveillance of all inmates. If remote surveillance is used, staff must be able to respond face-to-face to inmates within three minutes. Special problem inmates require more stringent personal observation. Absent of unusual concerns for inmate security and health, personal observation may be reduced to, but not be less than, once per hour. This implies a level of staff coverage for every area of the facility. Observations of operations at KCCF and RJC indicate that staffing is sufficient to meet this baseline.

These standards are similar to ones found all across the country. Other examples relating to inmate supervision include the following:

"A sufficient number of personnel shall be employed in each local detention facility to conduct at least hourly safety checks of inmates through direct visual observation of all

⁵⁴ WAC 289-18-200

inmates...” Section 1027, California Minimum Standards for Local Adult Detention Facilities

“The inmate is always within sight and normal sound of an officer certified in accordance with Chapter 943.1395, Florida Statutes. This may be accomplished through means of electronic surveillance, provided that a certified officer is available to respond to calls for help...” Chapter 2, Florida Model Jail Standards

“2) A jail officer shall provide personal observation, not including observation by a monitoring device, at least once every 30 minutes.

3) Dormitories housing more than 25 inmates must provide personal continuous observation by staff, not including observation by a monitoring device.” Section 701.130, Illinois Joint Committee on Administrative Rules, County Jail Standards

“... Facilities shall have an established procedure for visual, face-to-face observation of all inmates by corrections officers at least once every hour. Observation shall be performed at least every 30 minutes in areas where inmates known to be assaultive, potentially suicidal, mentally ill, or who have demonstrated bizarre behavior are confined. There shall be a two-way voice communication capability between inmates and staff at all times. Closed circuit television may be used, but not in lieu of the required personal observation.” Rule 237.1, Texas Commission on Jail Standards

“All prisoners shall be personally observed by a staff member at least once every hour on an irregular schedule. More frequent observation shall be provided for prisoners who are violent, suicidal, mentally ill, intoxicated, and for prisoners with other special problems or needs.” Section 1400-1-16, Minimum Standards for Local Correctional Facilities, Rules of the Tennessee Corrections Institute

In addition to these general standards for correctional supervision, staffing at the KCCF is also dictated by the Hammer Settlement Agreement. The specific requirements of this Agreement are discussed in some detail in the section titled “Constraints,” so those details are not repeated here. One key consideration in the Hammer Settlement Agreement is the designation of certain posts as either “dedicated,” “continuous,” or “intermittent.” By definition, intermittent posts do not have to be covered all the time and officers may leave their post for regular breaks without having to be relieved. There are 42 such posts in the Hammer Settlement Agreement. Under current operations, DAJD has 42 correctional officers assigned to these posts. While this may be a subject that requires legal review, on the surface of it, it does not appear that *Hammer* requires this level of staffing.

Supervision and Surveillance

The WACs address issues of supervision and surveillance as follows:

1. General security.
 - a. All jails shall establish a positive means of identifying prisoners.
 - b. Perimeter security shall be maintained.
 - c. Security devices shall be maintained in proper working condition at all times.
 - d. No prisoner shall be permitted to have authority over other prisoners.

2. Prisoner counts. Detention and correctional facilities shall develop a system for taking and recording prisoner counts. This procedure shall be followed at shift changes and at other regular or irregular times.
3. Contraband control.
 - a. Any item or person entering or leaving a jail shall be subject to search.
 - b. When housed in a jail facility, work release prisoners and prisoners who have regular contact outside the jail shall not be permitted contact with other prisoner classifications or entrance to areas frequented by other prisoners.
 - c. There shall be irregularly scheduled searches for contraband in detention and correctional facilities and all areas frequented by prisoners.
 - d. Conspicuously posted signs shall display the statutory penalty for giving or arranging to give anything to a prisoner without official authorization (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160). Non-English speaking visitors shall be informed of the statutory penalty either verbally or by posted signs in the appropriate language.

DAJD has procedures in place that address each of these topics.

The appendix to this document contains a detailed matrix defining requirements at different custody levels for the various functions that correctional officers must perform.

EMERGENCIES

Emergencies are addressed in the WAC's.⁵⁵ The WAC requires a written emergency procedure for escapes, riots, rebellions, assaults, injuries, suicides or attempted suicides, outbreak of infectious disease, fire, acts of nature, and any other type of major disaster or disturbance. The emergency plan must outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility. The plan must be coordinated with local government units and must always be available to the officer in charge at the jail. All personnel should be aware of, and trained in, the procedures.

DAJD has an emergency plan in place that meets these requirements.

CHAPTER SUMMARY

DAJD has procedures in place to be in compliance with baselines in the following areas:

- In-take, Transfer and Release
- Classification
- Inmate Programs
- Food Services
- Visiting
- Religious Services
- Treatment Services
- Court Escort
- Staffing
- Supervision and Surveillance
- Emergency Planning

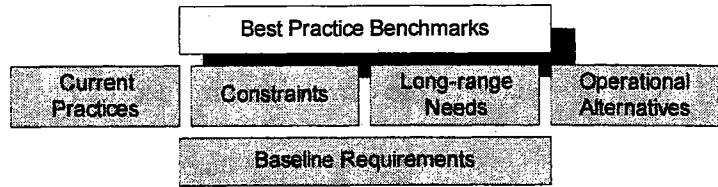
⁵⁵ WAC Chapter 289-15-200.

Our observations at both jails indicate that procedures are in practice, although formal written policies and procedures are not fully maintained. In addition, there do not appear to be post orders for many of the correctional officer duty assignments. The absence of formal policies, procedures, and current post orders makes it difficult for the department, let alone an outside reviewer, to systematically assess its performance or identify ways that operations could be streamlined. Maintaining complete and up-to-date policies and procedures, developing current post orders, and adopting jail standards would lay the groundwork for a new management paradigm that would be more transparent and better able to respond to inquiries from the County Council and others.

Finally, DAJD exceeds baseline requirements with regard to intermittent post coverage and health care accreditation.

CHAPTER 4

BEST PRACTICE BENCHMARKS



INTRODUCTION

The purpose of this chapter is to identify and survey facilities that are similar to the KCCF and RJC and that operate in a manner that provides benchmarks for best practices in jail operations. Like the previous chapter on Baseline Requirements, these benchmarks are considered independent of local constraints within which DAJD operates.

While the investigation of benchmarks identified well-regarded facilities that operate at lower cost than King County's, it is clear that, despite our best efforts, these are not apples to apples comparisons. Perhaps more revealing than costs are differences in operations. For example, it was found that the design of the KCCF tower requires an additional post on every floor (floor control) that is not needed in any of the comparison facilities. Significant differences were also found in how courtroom security is provided when inmates are present. In King County this is done by Court Detail and the cost appears in the jail's budget. In some of the comparison counties this service is provided by others and the cost is not in the jail's budget. Therefore, lower costs should not be used as a specific target that King County should emulate. In other words, we do not intend to imply that operating the KCCF should cost the same as operating the central jail in Tampa, Florida. The environmental differences in which these jurisdictions operate are simply too great. Where possible, lower costs in other jurisdictions are used as broad indicators for investigating where King County may be able to conduct its business in a different and more efficient manner. This chapter helps identify potential benefits to King County in terms of specific operational alternatives which are discussed in the final chapter of the OMP.

SELECTION PROCESS

Considerable difficulty was encountered at every step in identifying and quantifying benchmarks for jail operations. As is discussed below, we could find no useful published information about, or knowledgeable persons aware of, a jail benchmarking exercise having ever been done before. Simply identifying appropriate jurisdictions to use as benchmarks was difficult. Obtaining comparable information from the selected jurisdictions was equally as challenging. Although the staffs of the selected jails were most generous with their time (reportedly about 16 hours per jail), their ability to devote themselves any further to this project was limited. Therefore, we approached the benchmarking process as a case study by documenting our methodology, noting specific limitations in making direct comparisons between jurisdictions and discussing areas that warrant further action towards achieving efficiencies in King County. The specific actions are addressed in the final chapter, Operational Alternatives.

Four national organizations were contacted for assistance in identifying best practice jails around the country that are similar to the KCCF and the RJC. The national organizations are:

- The American Correctional Association
- The American Jail Association
- The General Accounting Office, and,
- The National Institute of Corrections.

None of these organizations, including the GAO, which has a history of identifying best practices and establishing benchmarks, was able to identify any jails that have been recognized as best performers. (Most awards that go to jails are for architectural design or a specific program area.) The general consensus was that there are many jails with individual programs that perform well, but there aren't whole facilities that have been evaluated for best performance. Thus, identifying similar facilities was a process of interviewing various representatives of the national organizations and combining their opinions with the consultant's experience. We briefly considered jails that have been accredited by the ACA, but that accreditation is based on standards for physical plant and policies that are in place, not the quality of services. Furthermore, cost is not a consideration for ACA accreditation and it is a consideration for the OMP.

In addition to consulting the national organizations, we conducted a literature search. Again, we were able to find articles about jails that did some things well in various areas (such as health care and food services), but none that had received a thorough evaluation in all major areas and were considered best performers.

The ACA is the leading publisher of documents pertaining to detention, prison, and community services. One book that looked promising was, unfortunately, of no help. It is a publication by the ACA called, *Best Practices: Excellence in Corrections*.⁵⁶ The Forward, which was written by James Gondles, Jr, Executive Director of the ACA, states, "I hope that the best practices and programs highlighted in this book will serve as a benchmark for those who wish to implement similar programs..." Then, in the Introduction, Reginald Wilkinson, ACA President at the time the book was published, says, "This publication is an attempt to document correctional programs that work." While this sounds promising, the publication is little more than a collection of articles that were submitted by jurisdictions and later selected for publication by a committee of corrections veterans. The chapter on Adult Local Detention Facilities is only 13 pages and contains four articles that provide no useful information to this exercise. Only one article in the entire book was about a jail and it concerned a 162 bed facility located in rural Ohio. The ACA publishes another book titled, *Journal of Correctional Best Practices: Juveniles in Adult Systems*.⁵⁷ It is also a collection of articles, but they do not pertain to adult detention.

The NIC was also contacted for any written materials on best practicing jails and they did not have any. Thus, the literature search was not productive.

Focusing the Selection

After discussing possible candidates with representatives from the national organizations, the OMP consultants contacted the following jails to request initial information and see if they would be willing to participate in the study:

- Bernalillo County Jail, Albuquerque, New Mexico
- Falkenburg Road Jail, Hillsborough County, Tampa, Florida

⁵⁶ *Best Practices: Excellence in Corrections*, American Correctional Association, 1998. 590 pages.

⁵⁷ *Journal of Correctional Best Practices: Juveniles in Adult Systems*, American Correctional Association, 2001.

- Orient Road Jail, Hillsborough County, Tampa, Florida
- Main Adult Detention Facility (MADF), Sonoma, California
- Metro-Davidson County Detention Facility, Nashville, Tennessee
- Multnomah County Detention Center (MCDC), Portland, Oregon
- Multnomah County Inverness Jail, Portland, Oregon

After looking over their descriptions, the jails were grouped as follows:

KCCF comparison facilities

- MCDC, Portland, Oregon
- Orient Road, Tampa, Florida
- MADF, Sonoma, California

RJC comparison facilities

- Bernalillo County Jail, Albuquerque, New Mexico
- Inverness Jail, Portland, Oregon
- Falkenburg Road Jail, Tampa, Florida
- Metro-Davidson Facility, Nashville, Tennessee

It should be noted that the Metro-Davidson Facility is a privatized facility operated by the Corrections Corporation of America (CCA) and it was not recommended by any of the national contacts. The Metro-Davidson jail is, however, a reasonable match in size and design to the RJC. The reason it was included is that two of the OMP project staff and one of the OMP consultants visited this jail in the mid-1990s and studied the business approach of CCA in depth. Their study determined, among other things, that privately managed jails often provide competition to publicly operated jails in the areas of costs and services.⁵⁸ However, for this study, CCA was not forthcoming with cost data in the various program areas and the information provided by them was of limited use.

Additionally, the Bernalillo County facility was not able to provide performance measurement data and was not well spoken of by the AJA. Therefore, it was later excluded from the analysis. The remaining jails, together with basic information about them, are listed in the following tables.

Facility Characteristics

KCCF Comparisons	Environment	County pop	Style	Operational Capacity	2002 ADP	Percent	
						Males	Females
KCCF	Urban	1,700,000	High Rise	1,697	1,582	88%	12%
Multnomah-3rd Ave	Urban	660,486	High Rise	520	633	85%	15%
HCSO-Orient Rd	Suburban	998,948	Low Rise	1,711	1,867	84%	16%
Sonoma-Main	Urban	569,891	Mid Rise	755	594	86%	14%

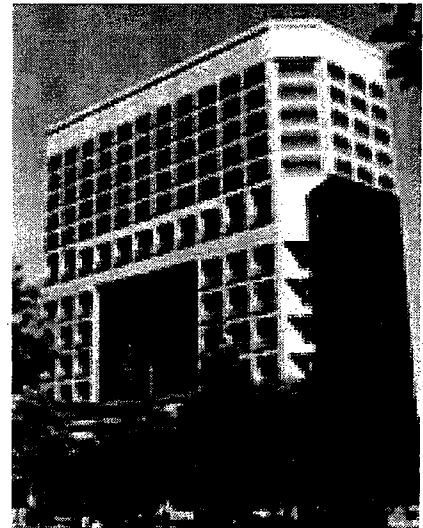
⁵⁸ Department of Corrections Privatization Feasibility Study, Washington State Joint Legislative Audit and Review Committee, January 1966.

RJC Comparisons	Environment	County pop	Style	Operational Capacity	2002 ADP	Percent	
						Males	Females
RJC	Suburban	1,700,000	Low Rise	896	791	89%	11%
Multnomah-Inverness	Suburban	660,486	Low Rise	1,014	1,013	85%	15%
HCSO-Falkenberg	Suburban	998,948	Low Rise	1,280	1,313	100%	0%
Nashville-CCA Metro	Suburban	569,891	Low Rise	1,315	1,227	71%	29%

KCCF COMPARISON FACILITIES

Multnomah County Detention Center- Portland, Oregon

MCDC is located in the downtown Portland Justice Center and is operated by the Multnomah County Sheriff's Office. It is a 663 bed high rise building with a podular design. Inmates are managed under a direct supervision style, meaning that the officers are in direct contact with the inmates versus working behind a secure glass separation.



Orient Road, Tampa, Florida

The Orient Road Jail is a suburban low-rise jail residing a few miles outside the city of Tampa, Florida. It serves as the central facility for Hillsborough County and does all of the booking. The Hillsborough County jails were mentioned by many of the national experts and are generally recognized as leaders in operating county jails.

**Main Adult Detention Facility
Sonoma, California**

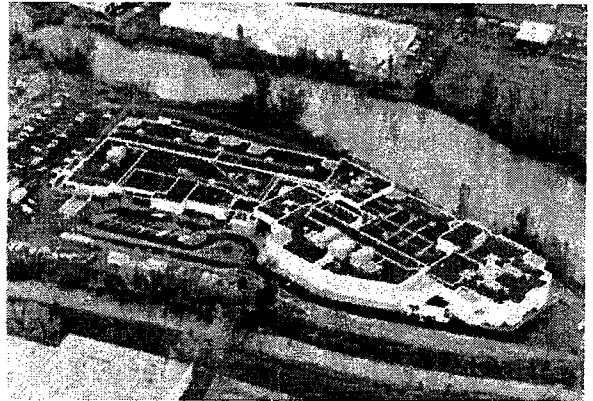
The Main Adult Detention Facility (MADF) is a 755 medium and maximum security facility located in the Sonoma County Complex, adjacent to the Court House. It is known as the first direct supervision jail in the country and is generally regarded as well-run by the professionals we contacted for this study.



RJC COMPARISON FACILITIES

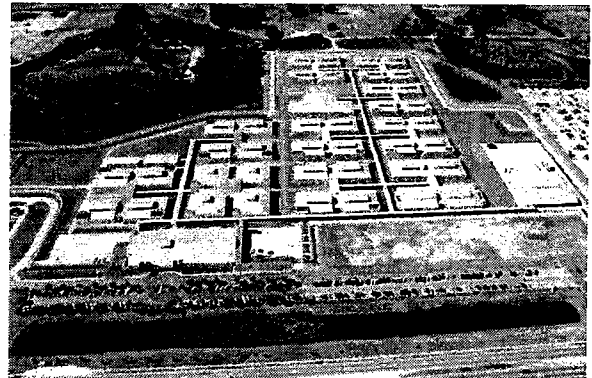
**Multnomah County Inverness Jail
Portland, Oregon**

The MCIJ is a 1,014 bed medium security adult (male and female) jail located in Northeast Portland. It is a low-rise direct supervision jail.



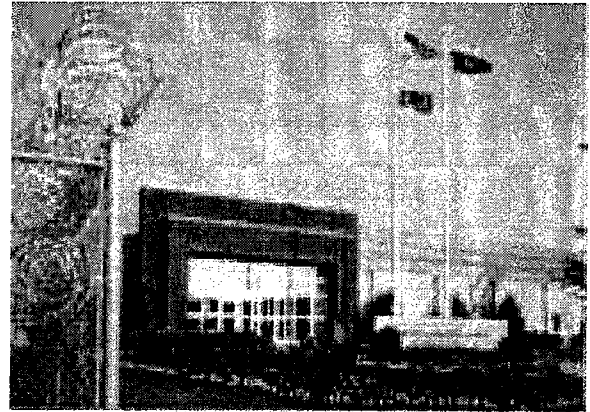
Falkenburg Road Jail, Tampa, Florida

The Falkenburg Road jail is a 1,280 bed adult male jail operated by the Hillsborough County Sheriff's Office in Tampa, Florida. It is a low rise direct supervision jail.



Metro-Davidson Facility, Nashville, Tennessee

This jail is a 1,092 bed low-rise suburban jail that is operated on contract by the Corrections Corporation of America. Nashville, Tennessee is the headquarters for CCA. CCA operates eight local jails, ranging in size from 276 to 1,440 beds. The Metro-Davidson jail is the closest match to King County's RJC. It opened in 1992 and is a multi-custody direct supervision jail for men and women.



KCCF DATA

Two types of data were collected. One set consisted of comparability information such as county population demographics, facility design, facility operations, and inmate demographics. The second set focused on costs, staffing ratios and performance measures such as assaults, grievances and disciplinary actions. None of the jails saw each other's data. This provided the benefit of not being influenced by another jail's information, but had the drawback that some of the data points were interpreted differently by the various jails. As a result, much time was spent trying to get apples to apples comparisons which, even after significant effort, was met with limited success.

KCCF Comparability

Data collected on facility comparability was easier to obtain than financial information and is probably more reliable. The following table shows comparable information about the KCCF and the other three jurisdictions.

KCCF Facility Comparability Matrix

COUNTY STATE FACILITY	King Washington	Multnomah Oregon	Hillsborough Florida	Sonoma California
	KCCF	MCDC-3rd Ave	HCSO-Orient Rd	Sonoma-Main
ENVIRONMENT				
Urban / suburban / rural	Urban	Urban	Suburban	Urban/Rural
County population (2000 census)	1,737,034	660,486	998,948	458,614
% white	75.7%	76.5%	75.0%	74.5%
% African American	5.4%	5.5%	15.0%	1.3%
% Asian	10.8%	6.0%	2.0%	3.2%
% Other	8.1%	12.0%	8.0%	21.0%
FACILITY DESIGN				
High rise / mid rise / low rise	High rise	High rise	Low Rise	Mid rise
Linear / podular / other	Podular	Podular	Podular	Podular
Total operational capacity	1,697	520	1,711	755
Cell capacity	480	520	1,711	753
% single cells	35.3%	50%	100.0%	84.3%
Dormitory capacity	1,217	None	None	None
Year opened	1986	1983	1990	1991

COUNTY STATE FACILITY	King Washington KCCF	Multnomah Oregon MCDC-3rd Ave	Hillsborough Florida HCSO-Orient Rd	Sonoma California Sonoma-Main
FACILITY OPERATION				
Supervision				
% direct	26.0%	100.0%	100%	99.9%
% indirect	74.0%	0.0%	0.0%	0.1%
Men / women / both	Both	Both	Both	Both
Felons / misdemeanants / both	Both	Both	Both	Both
Pre-trial / sentenced / both	Both	Both	Both	Both
Custody classification levels	All	All	Gen. Pop. & Confinement	All
LABOR (CO'S)				
Union (yes/no)	Yes	Yes	No	Yes
2003 Avg Hrly Rate (salary + benefits)	\$32.26	\$36.16	\$25.23	\$42.78
INMATE POPULATION				
ADP in secure confinement (2002)	1,582	633	1,867	594
Gender				
% male	88.0%	85.0%	84.0%	86.0%
% female	12.0%	15.0%	16.0%	14.0%
Total bookings (2002)	39,126	13,877	64,440	15,761
Objective Classification (yes / no)	Yes	Yes	Yes	yes
Classification Mix (secure confinement)				
% maximum/close	8.5%	85.4%		78.5%
% medium	24.1%		93.5%	
% minimum	39.5%			
% community	2.2%			
% unclassified	6.5%			
% special populations	19.3%	14.6%	6.5%	21.5%
Status				
% Pre-trial misdemeanants	12.1%	10.8%	8.0%	14.0%
% Pre-trial felons	55.0%	44.9%	56.0%	62.0%
% Sentenced misdemeanants	11.1%	9.4%	23.0%	8.0%
% Sentenced felons	10.5%	13.5%	2.0%	14.0%
% State holds	8.8%	0.1%	7.0%	0.5%
% Federal holds	0.0%	8.6%	4.0%	0.0%
% Other holds	2.5%	12.7%	Not Available	1.5%
Jurisdiction				
% County	63.0%	81.2%	58.0%	100.0%
% City	17.3%	Cannot differentiate	31.0%	0.0%
% State	8.3%	0.1%	2.0%	0.0%
% Federal	0.0%	8.6%	3.0%	0.0%
% Other	11.2%	9.9%	6.0%	0.0%
Special Populations				
% Mentally ill	19.3%	9.6%	2.6%	12.0%
% Medical	0.0%	1.9%	1.5%	1.5%
% Admin Segregation/PC	0.0%	3.1%	7.6%	8.0%

There are several interesting observations about the above information. First, KCCF is the only jail among the four that is not predominantly direct supervision. All of the representatives of national corrections organizations with whom we conferred spoke highly of direct supervision jails. The data support that direct supervision jails are higher performers than indirect supervision jails.⁵⁹ Second, even though the Orient Road Jail is located in a suburban area, it serves the urban population of Tampa, Florida and functions as the central jail. This jail performs all the booking for the four Hillsborough County facilities. Third, the jails we contacted do not publish classification mix information. The Orient Road Jail representative said they quit distributing that information after a county commissioner requested that they release all minimum security inmates. Thus, we were just provided percentages of general population and special management inmates.

Cost and Performance Information – KCCF and Comparison Facilities

Making comparisons between cost and performance information is much more difficult than making facility comparisons. The specific reasons are explained below.

We asked for cost information in six different areas:

- Cost per inmate per day
- Medical cost per inmate per day
- Food cost per inmate per day
- Transportation costs
- Court Escort costs
- Security staffing costs

We also asked for performance information in these areas:

- Number of bookings per year
- Number of housing units
- Number of inmates per housing unit
- Officer to inmate ratio in celled units (housing unit officers only)
- Officer to inmate ratio in dorm units (housing unit officers only)
- Number of officers that directly support housing units (i.e. Utility officers)
- Inmate supervision style
- Inmate assaults on staff
- Inmate assaults on inmates
- Inmate grievances
- Inmate disciplinary hearings
- Employee grievances
- Employee disciplinary actions

The following table shows the information that was received from each of the jails that were compared to KCCF.

⁵⁹ Podular, *Direct-Supervision Jails: Information Packet*, National Institute of Corrections, January 1993.

KCCF Cost and Performance Measurements data (unadjusted)

County State	King County Washington	Multnomah Oregon	Hillsborough Florida	Sonoma California
Performance Measures	KCCF	MCDC-3rd Ave	HCSO-Orient Rd.	Sonoma-Main
ADP	1,594	633	1,867	594
COST				
Cost per inmate per day	\$100.20	\$138.20	\$62.78	\$128.01
Medical cost per inmate per day	\$18.05	\$9.49	\$8.78	Not available
Food costs per inmate per day	\$4.38	\$4.57	\$3.33	\$6.93
Transportation costs	Not available	\$500,620	\$1,322,023	\$4,078,243
Security staffing costs (minus court escort)	\$19,347,303	\$11,322,110	\$27,462,637	Not available
UNITS AND STAFFING				
Number of bookings per year	39,126	13,877	33,449	15,761
Number of bookings per year per booking officer	699	1,461	984	1,970
Number of housing units (Can attach descriptive info. below)	14	18	7	13
Number of inmates per housing unit	varies	varies	256	varies
Officer to inmate ratio in celled units (housing unit officers only)	1:71.6	1:64	1:64	varies
Officer to inmate ratio in dorm units (housing unit officers only)	1:91	Not applicable	Not applicable	Not applicable
OTHER				
Inmate supervision style	Indirect	Direct	Direct	Direct
Inmate assaults on staff	88	2	51	66
Inmate assaults on inmates	201	3	461	46
Inmate grievances	195	948	2,233	351
Disciplinary hearings	2,614	5,456 system-wide	2,928	816
Employee grievances	4	Not available	Not available	Not available

Operational differences

When we began analyzing the differences, we found that every facility is unique and, although the program areas within the facility may sound alike, their functions often differ. This was true not only for costs, but it was also true when comparing the number of bookings and unit staffing. For example, the Court Detail unit at KCCF is responsible for escorting inmates to court, supervision and security of inmates while they are in court, as well as medical escorts to community facilities and Western State Hospital. It is not possible to separate medical escort costs from court escort costs. This is not the case with any of the comparison jails. In fact, at the Hillsborough facilities, the jail only provides escort of inmates to court, and not courtroom security. Thus, comparing KCCF's court escort costs to those at any of the comparison jails becomes a significant overstatement because it includes medical escorts and courtroom security. Another example is transportation costs for KCCF. Transportation for KCCF is run from the RJC and the costs cannot be separated by facility. Thus, RJC transportation costs are overstated and KCCF costs are unknown. A further example is health care. Two major problems exist. First, DAJD does not pay for hospitalization at the Harborview Medical Center. Thus, total costs are understated because they do not include hospitalization. Another medical issue is the fact that services are provided by a separate Department of Health and costs cannot be separated by facility. Thus, health care costs are spread evenly among inmates even though KCCF serves as the hub for medical services. Consequently, medical costs at the RJC are overstated while those

at KCCF are understated. There are many more examples for each of the areas and for each of the comparison jails. The further we looked into what is contained in the numbers, the more we realized we could not achieve apples to apples comparisons.

Environmental differences

In addition to operational differences, there are also environmental differences between counties within and outside of Washington State around community values for inmate programs, access to attorneys, conditions of confinement, the number of funded judges and labor issues. These differences further illustrate the impossibility of make full apples to apples comparisons.

Total cost and staffing

In order to bring focus and productivity to this complicated situation, we focused on two key areas of importance: total cost per inmate per day and correctional officer staffing. As mentioned previously, lower costs by other jurisdictions should be used as a broad indicator for investigating where King County may be able to conduct its business in a different and more efficient manner. Lower costs should not be used as a specific target that King County should emulate.

The first step in the analysis was to adjust for regional cost of living differences. Since there is no common index for each of the comparison cities, this was accomplished by adjusting the cost per inmate per day to that of the cost of labor. Labor was chosen because it typically represents roughly three-quarters of the cost of operating a jail and therefore represents the largest cost component. We can demonstrate this process by comparing labor costs at the KCCF to those at the Multnomah County Detention Center (MCDC). The hourly rate with benefits for a correctional officer in King County is \$32.26. This is 89 percent of the cost at MCDC (\$36.16). Therefore, by taking 89 percent of the actual daily cost of incarceration in Multnomah County we can estimate what it would cost to run the MCDC using King County labor rates - which in this case would have been \$123.29. We did this for each of the comparison jails.

The following table shows the adjusted cost per day for each of the KCCF comparison jails.

KCCF Cost Comparisons – Using Adjusted Cost Data

	KCCF	MCDC-3rd Ave	HCSO-Orient Rd	Sonoma-Main
2003 Avg Hourly Rate (C. O. salary + benefits)	\$32.26	\$36.16	\$25.23	\$42.78
Factor to adjust labor rates ⁶⁰	1.00	0.89	1.28	0.75
Actual cost per inmate per day	\$100.20	\$138.20	\$62.78	\$128.01
Adjusted cost/day with Seattle labor rates		\$123.29	\$80.27	\$96.53
Less KCCF cost per day		\$100.20	\$100.20	\$100.20
	Difference	\$23.09	(\$19.93)	(\$3.67)

Using this approach, it costs \$23.09 more per inmate per day at MCDC (Multnomah, Oregon) than at KCCF and \$19.93 less at HCSO (Tampa, Florida) and \$3.67 less at the Sonoma Main jail. Knowing that Hillsborough County is widely recognized as a leader in jail management and that the costs at Orient Road are almost \$20 per day less than KCCF, the focus of the analysis

⁶⁰ Non-rounded values used in calculations

quickly turned to Hillsborough County. (Although the Sonoma Main Jail also costs less, the difference is not nearly as significant as Hillsborough County.) Again, the focus of the analysis was to look for areas where King County could achieve operational efficiencies, not achieve the same cost per day per inmate.

Although, for the reasons noted above, the origins of all the cost differences are difficult to determine, looking at correctional officer staffing indicates there is a large difference in the number of support officers at KCCF and HCSO-Orient Road. The major difference in officers between the two facilities is in Floor Control and the Medical Clinic. The table below illustrates the number of officers in each of several areas. In the far right-hand column, the total for HCSO-Orient Road is adjusted downward by 15 percent to account for their higher ADP. In other words, HCSO-Orient Road has been adjusted to the same population level as KCCF.

	Correctional Officers					Adjusted for ADP
	Utility	Master Control	Floor Control	Clinic	TOTAL	
KCCF Comparisons						
First shift (Days)						
KCCF	10	2	6	5	23	23
HCSO-Orient Rd	14	4	0	1	19	16.2
Second Shift (Swing)						
KCCF	10	2	6	5	23	23
HCSO-Orient Rd	14	4	0	1	19	16.2
Third Shift (Graveyard)						
KCCF	10	2	6	5	23	23
HCSO-Orient Rd	14	4	0	1	19	16.2

The net result is 6.8 additional posts per shift at KCCF. The following table demonstrates how this staffing accounts for over \$4 per day per inmate.

Cost of Additional Posts

Additional posts per shift	6.8
Relief factor	1.71
Total COs per shift	11.63
Shifts	3
Total positions	34.88
Salary and benefits each	\$69,000
Total cost	\$2,406,996
ADP	1,582
\$ per inmate	\$1,521.49
\$ per inmate per day	\$4.17

This accounts for 21 percent of the cost difference between KCCF and HCSO-Orient Road.

Adjusting for cost differences between the two communities, the difference in medical and food costs account for another 35 percent of the difference.

Correctional officer staffing in the housing units does not appear to contribute to the operating cost difference between the two facilities. HCSO has an officer to inmate ratio of 1:64 and has no dormitories. KCCF's highest officer to inmate ratio in celled units is 1:71 and KCCF will operate with as few as one officer to 91 inmates in dormitories.

Another item to use as a general guideline for a broad cost comparison is security staffing. This is defined as uniform staff that perform the security functions at the jail. It does not include court escort, non-uniform administrative positions and civilian support positions such as classification, food service and medical personnel. When we looked at security staffing costs for the three jails we found that KCCF had 33 percent of their costs in security staffing, MCDC in Oregon had 39 percent and the Orient Road Jail had 64 percent of their costs in security staffing. The fact that the Orient Road Jail is cheaper to operate yet has almost twice the uniform staff, indicates the Orient Road Jail uses uniform staff in place of non-uniform staff. Although the uniform staff positions typically cost more than civilian positions, having larger pools of staff within the same job class is usually more cost efficient than having many small job classes. This is because when staff are absent the larger pool of staff may be able to fill the absence without the use of overtime.

Bookings

This is yet another area that requires further inquiry before knowing the reasons for the difference in numbers between KCCF and HCSO. Staffing of booking areas in jails is complex. Not only does it involve sworn officers, but it can also include civilian booking clerks, technicians, property officers, cashiers and medical personnel. Often the workload of these personnel is spread between booking, transfer, release, and commitments so the portion of time devoted solely to booking is not clear. Furthermore, required functions in booking can be driven by local statutes and agreements with contracting jurisdictions. For example, the number and types of photos, fingerprints, legal documents, distribution of paperwork, outstanding warrant checks, etc. may be different in different jurisdictions.

Given this caveat, we decided to use just sworn booking officers for calculating the number of bookings per year per officer. The results were that KCCF had a lower number of bookings per sworn officer (699) than the comparison jails (1,472 on average). Further study would be required to determine if, in fact, bookings are more costly at KCCF and if the reason for the increased cost is due to a different set of requirements. To accomplish this we would need to know all of the booking processes for each of the jails and be able to isolate the portions of FTEs that are dedicated to booking functions. We do not believe this can be accomplished without extraordinary effort.

Court Detail

There are 43 Court Detail officers assigned to the King County Courthouse who provide services mainly related to KCCF inmates. Twenty-nine of these officers serve as court escort officers. As noted above, some of the duties of these officers involve medical transports that would not likely be performed by this job classification in other jurisdictions. An even greater difference may be in the area of courtroom security. In King County, Court Detail officers not only escort inmates to and from the courtroom, they also are responsible for the supervision and security of the inmates while they are in court. In many jurisdictions this function is performed by sheriff's deputies or a special job class for this purpose rather than by correctional officers from the jail.

This is, in fact, the case in Hillsborough County, Florida where courtroom security – including supervision and security of inmates – is provided by bailiffs who are part of the Sheriff's Administration Department. There are 100 bailiffs who provide this service to four courthouses in the County. Unlike the cost of Court Detail in King County, the cost of these bailiffs does not appear in the jail's budget.

A Transportation Section, with 39 detention officers, provides all Hillsborough County jail transports. This includes those to and from court, prison, and out-of-county pick-ups. Since this contingent covers both the Orient Road facility as well as the Falkenburg facility (see RJC comparison facilities, below) and two other county facilities, and does transports not provided by Hillsborough County,⁶¹ it is clear that escort of HCSO-Orient Road inmates to and from court requires far fewer officers than the 43 officers who work out of the King County Courthouse.

If about three-quarters of the time spent by Court Detail Officers in King County is time spent on activities other than escorting inmates to and from court, this represents an expenditure of about \$4.00 per inmate per day that does not appear in the jail budget of Hillsborough County. This explains approximately another 20 percent of the difference in cost per inmate between the two facilities.

Other

The data collected in the "Other" category did not prove to be useful because they are likely to be non-comparable. For example, the number of inmate assaults on staff ranges from two to 88. It is likely that these numbers correlate to how each jail defines and documents a staff assault rather than the actual number of incidents at the jail. Specifically, some jails record all inmate-to-staff contact during a planned use of force incident as an assault while other jails only record inmate assaults on staff that are unprovoked. The same is true for the remaining data, including inmate assaults against inmates, inmate grievances, disciplinary hearings, employee grievances and employee disciplinary actions.

RJC DATA

We collected data on the RJC and its comparison facilities in categories that are identical to the data collected for KCCF and its comparison facilities. Again, data collected on facility comparability were easier to obtain than financial information and are probably more reliable. The following table shows comparable information about the RJC and its comparison jurisdictions.

⁶¹ Transports to prison and for out-of-county pick-ups are provided by the State or by a cooperative transportation system funded by multiple counties.

RJC Matrix

COUNTY STATE FACILITY	King County Washington	Multnomah Oregon	Hillsborough Florida	Davidson Tennessee
	RJC	Inverness Jail	HCSO- Falkenburg	Metro- Davidson
ENVIRONMENT				
Urban / suburban / rural	Suburban	Suburban	Suburban	Suburban
County population (2000 census)	1,737,034	660,486	998,948	569,891
% white	75.7%	76.5%	75.0%	65.1%
% African American	5.4%	5.5%	15.0%	25.9%
% Asian	10.8%	6.0%	2.0%	2.3%
% Other	8.1%	12.0%	8.0%	7.1%
FACILITY DESIGN				
High rise / mid rise / low rise	Mid rise	Low Rise	Low Rise	Low Rise
Linear / podular / other	Podular	Podular	Dormitory	Linear
Total operational capacity	1,388	1,014	1,280	1,315
Cell capacity	896	None	256	735
% single cells	53%	0.0%	20.0%	56%
Dormitory capacity	0.0%	1,014	1,024	566
Year opened	1997	1988	1998 & 2003	1992
FACILITY OPERATION				
Supervision				
% direct	100%	100%	100%	100%
% indirect	0.0%	0.0%	0.0%	0.0%
Men / women / both	Both	Both	Both	Both
Felons / misdemeanants / both	Both	Both	Both	Both
Pre-trial / sentenced / both	Both	Both	Both	Both
Custody classification levels	All	All but Ad Seg	Gen. Pop. & Confinement	Medium
LABOR (CO'S)				
Union (yes/no)	Yes	Yes	No	No
2003 Avg Hrly Rate (salary + benefits)	\$32.26	\$36.16	\$25.23	Not provided
INMATE POPULATION				
ADP in secure confinement (2002)	791	1,013	1,313	1,227
Gender				
% male	89.4%	85.4%	80.0%	71%
% female	10.6%	14.6%	20.0%	29%
Total bookings (2002)	14,882	22,642	0	5,676
Objective Classification (yes / no)	Yes	Yes	Yes	Yes
Classification Mix (secure confinement)		Not Available	Not Available	Estimated
% maximum/close	4.8%			17.0%
% medium	34.0%	93.1%	90.0%	65.0%
% minimum	47.8%			10.0%
% community	4.3%			0.0%
% unclassified	3.4%			6.0%
% special populations	5.7%	6.9%	10.0%	2.0%
Status				
% Pre-trial misdemeanants	10.7%	5.0%	8.0%	16.0%

COUNTY STATE FACILITY	King County Washington	Multnomah Oregon	Hillsborough Florida	Davidson Tennessee
	RJC	Inverness Jail	HCSO- Falkenburg	Metro- Davidson
% Pre-trial felons	58.6%	37.6%	56.0%	11.0%
% Sentenced misdemeanants	9.8%	12.2%	23.0%	15.0%
% Sentenced felons	10.0%	20.8%	2.0%	55.0%
% State holds	6.3%	0.1%	7.0%	1.0%
% Federal holds	0.3%	12.3%	4.0%	1.0%
% Other holds	4.3%	11.9%	Not Available	1.0%
Jurisdiction			Estimated	
% County	68.6%	77.2%	58.0%	100.0%
% City	10.3%	Cannot differentiate	31.0%	0.0%
% State	9.3%	0.1%	2.0%	0.0%
% Federal	0.3%	12.3%	3.0%	0.0%
% Other	11.5%	10.4%	6.0%	0.0%
Special Populations			Estimated	
% Mentally ill	0.6%	5.9%	0.0%	N/A
% Medical	3.8%	1.0%	0.0%	N/A
% Admin Segregation/PC	1.2%	0.0%	10.0%	0.5%

In this case, all of the comparison jails are of a similar design, population level and management style. Once again, two jails (Multnomah Inverness and Falkenburg Road) did not provide classification data.

Cost and Performance Information – RJC and Comparison Facilities

As we did for KCCF, we asked for cost information to compare to the RJC in these six areas:

- Cost per inmate per day
- Medical cost per inmate per day
- Food cost per inmate per day
- Transportation costs
- Court Escort costs
- Security staffing costs

We also asked for performance information in these areas:

- Number of bookings per year
- Number of housing units
- Number of inmates per housing unit
- Officer to inmate ratio in celled units (housing unit officers only)
- Officer to inmate ratio in dormed units (housing unit officers only)
- Number of officers that directly support housing units (i.e. Utility officers)
- Inmate supervision style
- Inmate assaults on staff
- Inmate assaults on inmates
- Inmate grievances

- Inmate disciplinary hearings
- Employee grievances
- Employee disciplinary actions

The following table shows the information that was received from each of the jails that were compared to the RJC.

RJC Cost and Performance Measurement Data (unadjusted)

County State	King Washington	Multnomah Oregon	Hillsborough Florida	Davidson Tennessee
Performance Measures	RJC	Inverness Jail	HCSO-Falkenburg	Metro-Davidson
ADP	784	1,013	1,313	1,227
COSTS				
Cost per inmate per day	\$100.23	\$97.87	\$54.88	\$38.23
Medical cost per inmate per day	\$18.05	\$11.79	\$8.78	
Food costs per inmate per day	\$4.38	\$3.14	\$3.33	
Transportation costs	\$757,078	\$976,210	\$929,735	
Court Escort costs	\$1,189,598	\$1,968,501	Not available	
Security staffing costs (minus court escort)	\$13,450,017	\$15,657,555	\$19,313,574	
UNITS AND STAFFING				
Number of bookings per year	14,882	22,642	0	
Number of bookings per year per officer	744	1,461	0	
Number of housing units	14	18	5	10
Number of inmates per housing unit	64-107	58-75	256	104-190
Officer to inmate ratio in celled units (housing unit officers only)	1:64	Not applicable		1:103
Officer to inmate ratio in dorm units (housing unit officers only)	1:64 shifts 1 & 2 1:107 shift 3	up to 1 to 75	1 per Pod of 64	1:113
Number of officers that directly support housing units (i.e. utility)	10	6	10	
OTHER				
Inmate supervision style is direct	Direct	Direct	Direct	Direct
Inmate assaults on staff	3	3	25	24
Inmate assaults on inmates	14	1	234	48
Inmate grievances	226	541	2,062	1,752
Disciplinary hearings	945	Not Available	2,399	3,888
Employee grievances	2	Not Available	N/A	18
Employee disciplinary actions	6	Not Available	13	24

We repeated the cost adjustment for regional differences that was used for KCCF, as shown in the following table.

RJC Cost Comparisons – Using Adjusted Cost Data

	RJC	Inverness Jail	HCSO-Falkenburg	Metro-Davidson
2003 Avg Hourly Rate (salary + benefits)	\$32.26	\$36.16	\$25.23	15
Factor to adjust Seattle labor rates	1.00	0.89	1.28	2.15
Actual cost per inmate per day	\$100.23	\$97.87	\$54.88	\$38.23
Adjusted cost/day with Seattle labor rates		\$87.31	\$70.17	\$82.22
Less King County cost per day		\$100.23	\$100.23	\$100.23
	Difference	(\$12.92)	(\$30.06)	(\$18.01)

In this case, it looks like the RJC costs more to operate than all of the comparison jails. However, 2002 was an unusual year for the RJC due to fluctuating population levels. While DAJD adjusted staffing levels during the year, 2002 may have been an inefficient year overall for the RJC. This is because the population level dropped and staffing was later adjusted downward. The interim period would cause the cost per day per inmate to be higher than at the end of the year. A further note is that while the Metro-Davidson jail submitted the cost per inmate per day, it did not submit a labor cost. The hourly rate above is an imputed labor cost to be used for regional cost adjustment purposes only. The estimate is based on the consultant's evaluation of CCA's labor costs in the mid 1990's when it was found that their average wage was somewhere near the minimum hourly wage established by law. The \$15 per hour for salary and benefits may in fact be generous, which results in a conservative adjustment. The Metro-Davidson facility is not used for any further analysis.

As with the KCCF comparison, the HCSO jail is the least costly. The adjusted cost is only 70 percent of the operating cost of the RJC. In addition to the fluctuating population level noted above, some of the difference may be attributable to the overstated medical costs at the RJC. (Earlier reference was made to the fact that KCCF is the hub for medical services, but the cost was allocated evenly for the two jails.) Another difference is in the fact that the HCSO-Falkenburg Jail has 70 percent more inmates than the RJC, yet has the same number of support officers (10). This was the major difference when staffing was compared. The table below shows the impact of support staffing on the cost per inmate per day when the RJC's population is adjusted to that at HCSO-Falkenburg Road.

Cost of Additional Posts

Additional posts	7
Relief factor	1.71
Number of COs per shift	11.97
Shifts	3
Total positions	35.91
Cost each	\$69,000
Total cost	\$2,477,790
ADP	1,582
Per inmate	\$1,566.24
Per day	\$4.29

In this case, the officer to inmate ratios when the units are single bunked are identical at 1:64. When the RJC is double-bunked, the ratio on the first and second shift is at most 1:58 but can be as high as 1:107 on the third shift.

When we looked at security costs, we had similar results to the KCCF comparison. That is, 47 percent of the cost per inmate per day at the RJC is in security staffing costs, 43 percent of the cost per day for the Inverness Jail is security staffing costs and it is 73 percent for the Falkenburg Road Jail. Once again, with the Falkenburg Road jail being the cheapest operation, their staffing must lean towards sworn officers versus civilian positions.

Bookings

In this case, we only had the Inverness Jail to compare to the RJC because the bookings for the Falkenburg Road Jail are performed at the Orient Road Jail. We found that the Inverness Jail performs twice as many booking per officer per year at the RJC. Some of this difference may be due to the fact that the RJC does bookings only during the day on weekdays – generally lower periods of activity than in the evening and on weekends. However, the same qualifications that are noted above for KCCF also apply to the RJC comparison. Further study would be required to determine if, in fact, bookings are more costly at the RJC and if the reason for the increased cost is due to a different set of requirements. We would need to know all of the booking processes for each of the jails and be able to isolate the portions of FTEs that are dedicated to booking functions.

Other

As with the KCCF, the data in the Other category did not offer apples to apples comparisons. We cannot say with certainty that one jail performs better than another, although we can verify that the HCSO jails are known for being well run and fiscally efficient.

CHAPTER SUMMARY

We began the comparison by looking for examples of previous benchmarking studies and did not find any. Next, we consulted the national experts, decided which jails to contact and sent them a set of forms that were developed by the OMP consultants and DAJD.

When the forms were completed, a great deal of effort was spent trying to achieve apples to apples comparisons. Much of the information was difficult to compare for three reasons:

- The components within each category were different (reflecting a difference in operations)
- Some data were tracked for the entire system and not for a particular jail. In such cases the numbers for a single jail are unknown.
- Environmental differences around community values for inmate programs, access to attorneys, conditions of confinement, the number of funded judges and labor issues all impact jail operations.

As a result of not being able to make full comparisons, the focus of the analysis was aimed at looking at operations at the other jails for broad indicators of how King County may be able to conduct its business in a different and more efficient manner. We found the greatest difference in cost and staffing between King County and the other counties is with Hillsborough County, Florida.

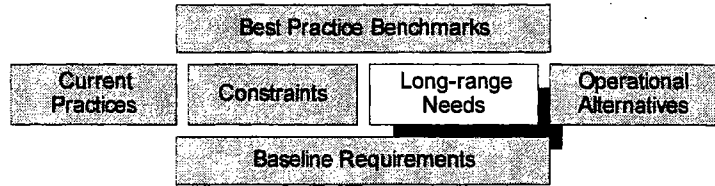
Hillsborough County, Florida has two jails that are somewhat similar to King County's jails and are recognized as leaders in the industry. Their data indicate lower costs for support officers for

the housing units, medical and food. A significant part of the difference between costs in Hillsborough County and the KCCF is attributable to the floor control post in the KCCF tower, medical costs, and a different way of providing courtroom security. While the Hillsborough facilities suggest that efficiencies should be possible in King County, they should not be used as financial targets to be achieved.

This chapter helped identify potential benefits to King County in terms of specific operational alternatives which are discussed independent of Hillsborough County in the final chapter of the OMP.

CHAPTER 5

LONG-RANGE NEEDS



The purpose of this chapter is to analyze the implications of the recently completed adult offender population projection for DAJD. The analysis addresses the magnitude, timing, and characteristics of the projected changes in the offender population. The possible effects of Adult Justice Operational Plan (AJOMP) and Criminal Justice Council initiatives on the population forecast are discussed. The disaggregated projection is then compared to current and planned capacity of the department's secure facilities and partial confinement programs. This analysis provides the underlying context for long-range issues considered in the OMP.

BACKGROUND

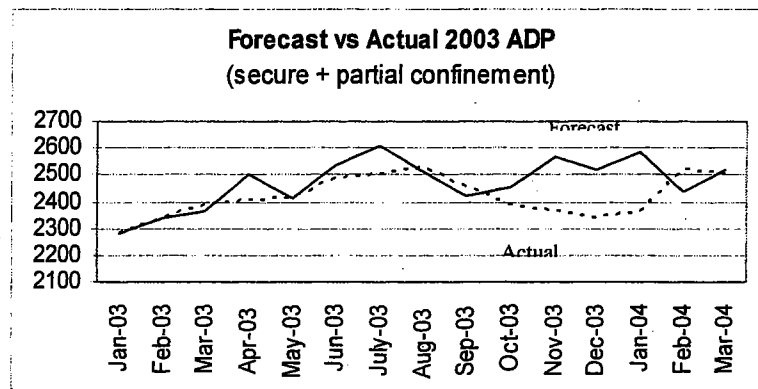
A new population forecast was prepared for adult offenders in the Department of Adult and Juvenile Detention by a private consultant in May 2003. The forecast was developed using a components of change methodology that takes into account demographic patterns, crime patterns, booking rates, and lengths of stay for various subcomponents of the jail population. Assumptions were set for these components based on past experience in King County and the expertise and judgment of local criminal justice policy setters and decision makers.⁶²

The forecast is broken down by gender, pre- and post-sentence felons, pre- and post-sentence misdemeanants, state holds, and holds for other jurisdictions. Misdemeanant populations are further broken down by "city responsibility" and "county responsibility" offenders. The future level of city responsibility misdemeanants is based on the maximum number allowed by interlocal agreement between King County and the municipalities for which it provides jail services. This number decreases over time, reaching zero in 2013.

The forecast does not include the effect of legislation that was pending at the time the forecast was developed – notably Senate Bill 5990 – nor the possible impact of a pending state Supreme Court decision relating to the Andress cases. These issues are taken into account in adjustments made to the population projection for the Operational Master Plan. Those adjustments are discussed below.

HOW ACCURATE HAS THE FORECAST BEEN?

During the first 12 months of the forecast the average daily population was about 97.6 percent of the forecast. As the chart to the right shows, there have only been a few months when the forecast population has

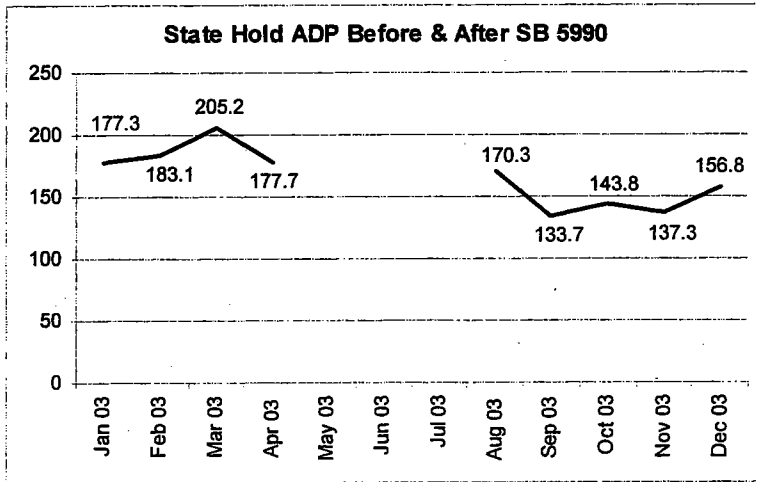


⁶² A list of the participants in the Assumptions Setting Team can be found in the *Forecast Assumptions Report*, May 2003 by Jack, O'Connell. The assumptions themselves are documented in this same report.

been substantially different than actual number of inmates in jail. However, there has been variation from the forecast in the make-up of the population. The misdemeanor population is lower than what the forecast predicted and felons and state holds have been higher than predicted.

Forecast Adjustments

Along with other changes, Senate Bill 5990, passed by the 2003 Legislature, amended state law⁶³ to end supervision of risk-level "C" and "D" offenders. This change became effective July 1, 2003. The Department of Adult and Juvenile Detention estimates that this change will ultimately reduce the inmate population in King County correctional facilities by 113, perhaps more. This reduction would all be in the felony population.



The initial effect of SB 5990 has been less than that projected by DAJD but it is reasonable to assume that the impact will increase over time. The figure to the right shows the change in average daily population for state holds that occurred after SB 5990 became law. The difference between the average for the first four months of 2003 and the average for the last four months is about 42, which is approximately 36 percent of the full expected

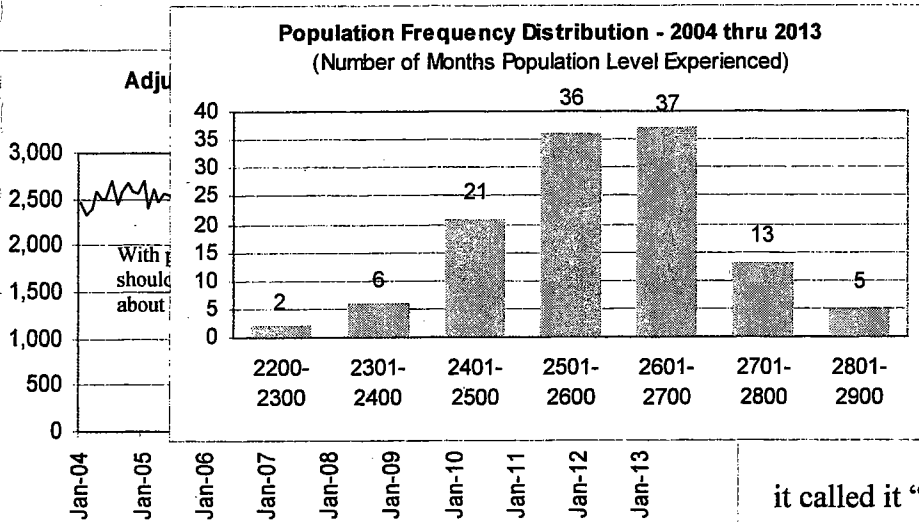
impact.

The other OMP adjustment to the forecast is the potential effect of the Andress cases. In the Andress case the Washington State Supreme Court held that a person cannot be convicted of murder if the death was an unintended result of an assault.⁶⁴ If this standard were applied retroactively it could affect hundreds of murder convictions across Washington State. In King County, DAJD estimates that it could involve to as many as 120 cases. This would affect the jail since individuals appealing their conviction would return to King County to have their case heard. If this were to occur it is expect that most of those seeking appeal would return soon after the question of retroactive application of the Andress case was settled. Some of these cases would be resolved quickly, others could take many months. The affect on the jail would be to have a concentrated peak impact for a few months that tapered off to zero a number of months later.

The matter is before the Supreme Court and, although a decision had been expected by now, no decision has been issued. The question of when (or if) this impact is to occur could affect the need for beds during the ISP but it does not have any long-range implications for the OMP.

⁶³ RCW 9.94A.728

⁶⁴ In re the Personal Restraint Petition of Andress, 147 Wn.2d 602, 616, 56 P.3d 981 (2002)



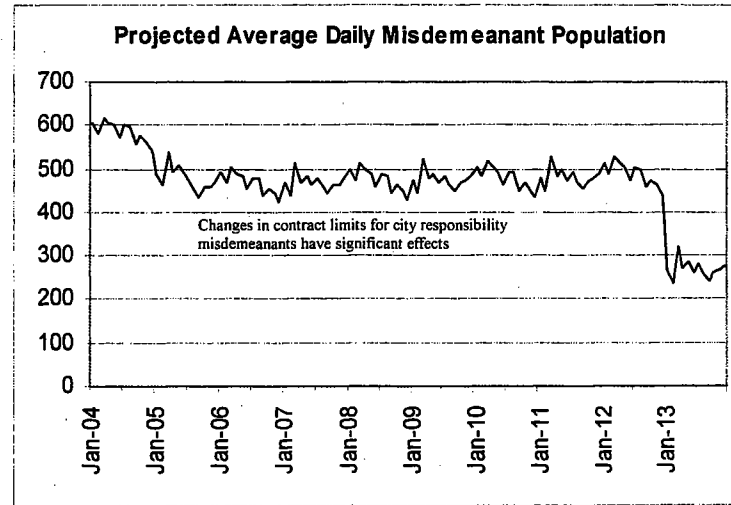
THE OMP FORECAST

Both the May 2003 forecast and this OMP forecast include inmates in both secure and partial confinement.⁶⁵ With the adjustments for SB 5990 discussed above, the inmate population forecast is as illustrated in the figure to the right.⁶⁶ The average during this ten-year period is 2,540. Looking at this graph it is understandable why the consultant who prepared it called it “a forecast of stability.”

The variation in the forecast is such that the population is expected to be between 2,295 and 2,785 about 95 percent of the time.

While the overall forecast is one of stability, looking at the components of change tells a somewhat different story.

While the felony population is more or less stable (increasing at a rate of about 0.4% per year), this is not true for misdemeanants. As noted above, city misdemeanants are, by interlocal agreement, reduced over the course of the forecast from a maximum of 380 in 2004 to zero in January 2013. The planned decrease in city responsibility misdemeanants is apparent in the accompanying figure. (The remaining variability is due to projected fluctuations in county responsibility misdemeanants.)



This change in the composition of the inmate population changes the custody profile of the population which may, in turn, have important implications for the confinement needs of the agency in future years. This issue is discussed in detail below in the section titled “Classification.”

Despite this expected change in the composition of the inmate population, the overall population projection remains essentially flat. Because of this it may be useful to consider the frequency distribution of inmate population levels over the course of the next ten years. The chart to the right shows, in increments of 100, the number of months that the inmate population is expected

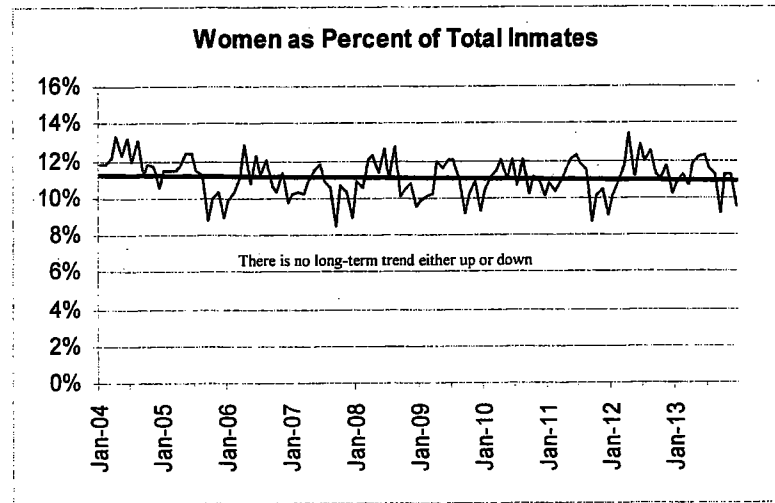
⁶⁵ Partial confinement is defined by state law and includes such things as work release and electronic monitoring.
⁶⁶ The impact of the Andress case is not included. If it occurs, the impact will be up to a maximum of 120 inmates.

to be at various levels over the next 120 months.⁶⁷ As this chart shows, for about eight out of the ten years of the forecast, the population is expected to be in the range of 2,400 to 2,700. The frequency with which the population exceeds certain thresholds, together with the projected custody profile of the inmate population, has important implications for facility operation. These implications are discussed in detail in the section below titled, "Implications for System Capacity."

DISAGGREGATION OF THE POPULATION PROJECTION

Gender

The department's May 2003 forecast breaks down the projected inmate population by gender. Forecast assumptions, such as length of stay for sentenced versus un-sentenced felons, were set separately for men and women. Despite sometimes having different forecast assumptions, the ratio of female to male offenders is not expected to change over the course of the population projection. The figure to the



right shows by month the estimated percentage of the total inmate population that is female. The straight dark line is the trend line for this ratio. As can be seen from this chart, the trend line is essentially horizontal, showing only the slightest decline over the course of ten years.

The average over this ten-year period is 11.1 percent with a standard deviation of 1.1 percent. This means that 95 percent of the time the female population should be between 9 percent and 13 percent of the total inmate population.

Classification

The average classification mix for men and women for the three years ending December 2003 is shown in Table 5.1.

⁶⁷ The frequency distribution is based on the projected average daily population. Normal variation can be expected to produce days when the population exceeds the average. According to the O'Connell forecast, about 95 percent of the time the population should be less than the average daily population plus 106.

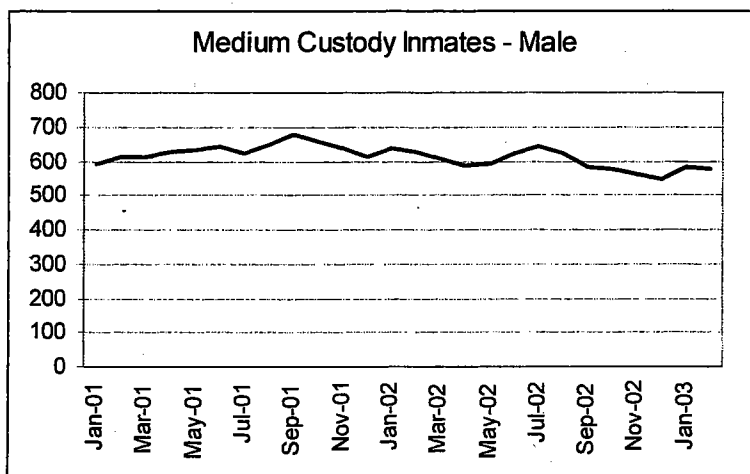
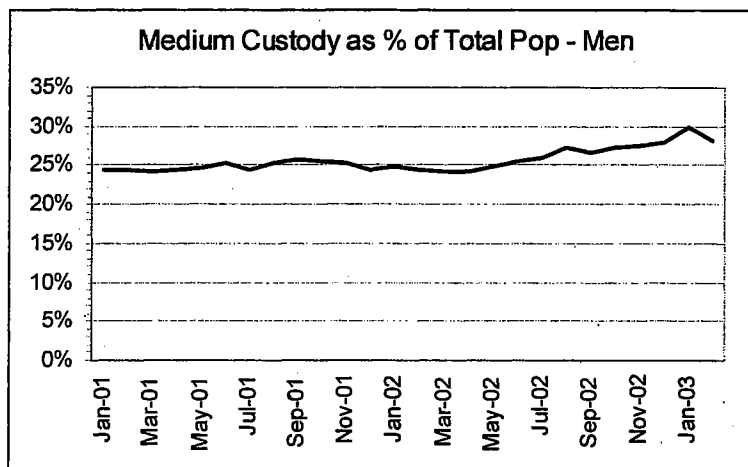
Table 5.1: Classification by Gender: 2001 - 2003

Classification	Men	Women
Unclassified	5.1%	1.1%
Community placement	10.6%	13.9%
Minimum or in-custody community	37.1%	52.1%
Medium	26.5%	15.1%
Close / Maximum	6.9%	2.6%
Intake	1.1%	1.6%
Special populations	12.8%	13.6%

(columns may not add to 100% due to rounding)

This mix has not, however, been stable. For example, as is shown in figure to the right, the percentage of male inmates who are medium custody has increased from about 25 percent in 2001 to nearly 30 percent in 2003.

The reason for this change is not, however, because there are more medium custody inmates. In absolute numbers, there has been little change, and, if there is a



trend, the number of male medium custody inmates has been going down in recent years. This is illustrated in the second chart to the right.

The same pattern can be shown for close and maximum custody inmates – while the percentage of close and maximum custody inmates is up, their numbers are not.

How can this be? The reason, which is discussed in more detail in the next section, is because there has been a significant reduction in the number of community custody inmates. That reduction caused a reduction in the percentage of inmates classified community custody and, since the percentages must add to 100 percent, an increase in the percentage of inmates in higher custody classifications.

Special Custody Inmates

In DAJD there are three components to special custody inmates: mentally ill offenders, inmates with medical needs, and inmates in administrative segregation status. These are discussed separately in the paragraphs that follow.

Mentally Ill Offenders

During the three year ending December 2003 an average of 4.8 percent of the male inmate population was classified as "psych." With a standard deviation of 0.6 percent this means that 95 percent of the time the male mentally ill population was between 3.6 and 6.0 percent of the total male inmate population.

During the same period an average of 7.4 percent of the female inmate population was classified "psych." With a standard deviation of 1.3 percent this means that 95 percent of the time the female mentally ill population was between 4.8 and 10.0 percent of the total female inmate population.

Jail Health Services has recently changed its practices with regard to the classification and treatment of mentally ill offenders. Until recently, any inmate whose behavior was thought by correctional officers to be unusual could be transferred to the mental health unit without concurring evaluation by a mental health professional. These inmates, plus those found in need of mental health services by the medical or mental health staff, were housed in two wings on the seventh floor, typically consuming 120 to 130 "psych" beds. The result, according to outside professional review, was that King County over-treated many inmates at the expense of under-treating others with serious mental health needs. This practice has been stopped and inmates are now only admitted to the mental health unit after review by a mental health professional. The result has been to cut the male psych population by about 40 percent, reducing the need for psych beds from two wings to one.

This is not, however, the whole story. While many inmates formerly housed in the psych unit do not need the level of care provided in that unit, many of them are fragile, vulnerable, or otherwise inappropriate for general population housing. The plan is therefore to create a step-down unit that provides a somewhat sheltered living environment without full mental health services. Consequently, it is likely that two wings of KCCF housing will still need to be used for mentally ill male inmates. One will be used for those requiring moderate to intensive services, the other will be used for those who are stable but require a somewhat supportive environment.

This change is not expected to change the percentage of inmates in special custody but it will affect the type of housing in which some special custody inmates are placed.

Inmates with Medical Needs

During the three year ending December 2003 an average of 4.5 percent of the male inmate population was classified as "medical." With a standard deviation of 0.7 percent this means that 95 percent of the time the male medical inmate population was between 3.1 and 6.0 percent of the total male inmate population.

During the same period an average of 4.0 percent of the female inmate population was classified "medical." With a standard deviation of 0.8 percent this means that 95 percent of the time the

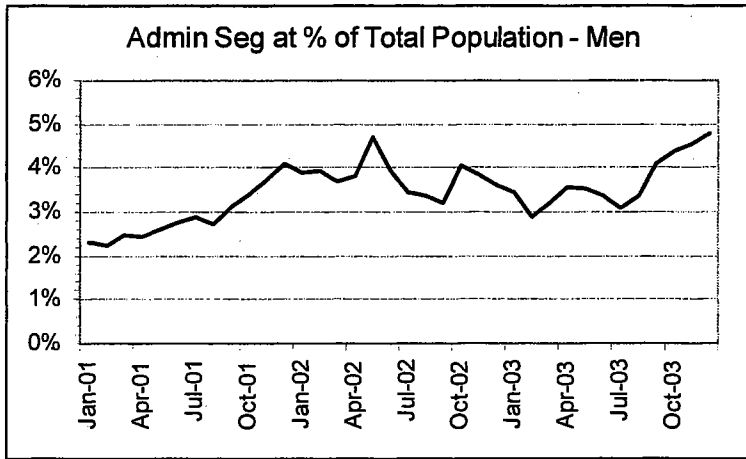
female medical inmate population was between 2.4 and 5.5 percent of the total female inmate population.

While these are fairly high percentages for both men and women, most inmates with medical needs can, and do, live in general population housing. Only a few require infirmary care.

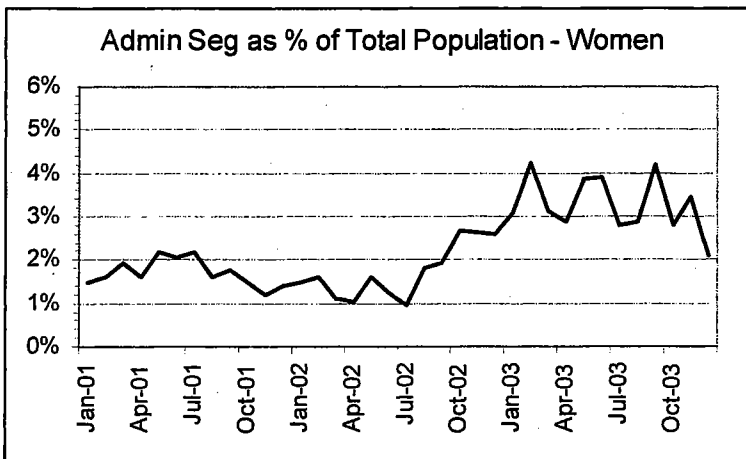
It is very likely that with new procedures planned by Jail Health Services that there will be a significant increase in the number of inmates diagnosed with tuberculosis. While serious, it is expected that this increase can be absorbed within the expanded medical isolation rooms planned for the remodel of the jail infirmary.

It is assumed that these percentages will continue to prevail over the life of the projection.

Inmates in Administrative Segregation



During the two years ending December 2003 the number of male inmates in administrative segregation ranged from between 3 percent and 5 percent of the total male population. As shown in figure to the right, this is a somewhat higher percentage that was experienced in 2001. It is not known why this change occurred, but for long-term planning purposes the higher range is appropriately conservative.



A similar pattern is seen for female offenders except there was relative stability during 2001 and 2002 with an increase seen only in 2003. For women, the number of inmates in administrative segregation during 2001 and 2003 ranged from between 1 percent and 3 percent. In 2003 the range was between 2 percent and 4 percent. As with the men, it is not known why this increase has occurred, but the higher range is appropriate for

long-term planning purposes.

Current Classification Mix

Because of the change in classification mix that has occurred recently, 2003 is more representative of the current custody classification mix in secure and partial confinement. By using 2003 the effect of closing NRF, declining numbers of city responsibility misdemeanants,

and the effect of changes in the special custody inmates, are all taken into account. This revised classification mix is shown in the following tables.

Table 5.2a: Current (2003) Classification Percentage - Men

Classification	Average	+1 Std Dev	+2 Std Dev
Unclassified	5.6%	6.2%	6.7%
Community	6.9%	8.7%	10.4%
Minimum	36.2%	37.9%	39.6%
Medium	28.8%	29.7%	30.6%
Close / Maximum	7.3%	7.6%	8.0%
Intake	1.4%	1.6%	1.7%
Special populations	13.6%	14.2%	14.6%

(Columns may not add to 100% due to rounding)

Table 5.2b: Current (2003) Classification Percentage - Women

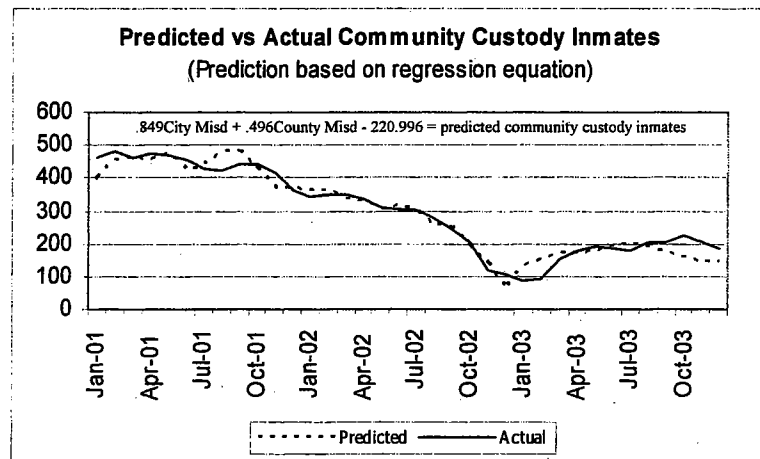
Classification	Average	+1 Std Dev	+2 Std Dev
Unclassified	2.0%	2.6%	3.2%
Community	9.5%	11.7%	14.0%
Minimum	53.0%	54.5%	56.0%
Medium	17.5%	19.0%	20.4%
Close / Maximum	1.2%	1.9%	2.5%
Intake	1.9%	2.3%	2.6%
Special populations	14.9%	16.8%	18.8%

(Columns may not add to 100% due to rounding)

The Effect of Reducing City Misdemeanants

It probably shouldn't come as a surprise, but it turns out there is a very strong relationship between the number of inmates who are misdemeanants and the number of inmates classified community custody. The accompanying chart shows the predicted number of inmates classified community custody compared to the actual number for the 36 months ending December 2003. The regression equation that provides the prediction is shown on the chart.

This equation has a r^2 of .88 which, in social science circles, indicates a very robust correlation.



This relationship, coupled with the reduction in city responsibility inmates shown in the chart on page 91, suggests that, under the current classification system, DAJD will have many fewer inmates classified community custody in the future.

During 2004 the population projection estimates that there will be an average of 585 misdemeanants (345 city and 240 county). Based on the regression equation we would expect an average of 166 community custody inmates in 2004. This is considerably lower than the planned capacity of partial confinement slots for 2004. The situation becomes even more significant after July 2005 when the number of city responsibility inmates is to be capped at 220. For the seven years following July 2005 the average daily population of misdemeanants is projected to be 475 (220 city and 255 county). Under these circumstances the regression equation predicts there will be an average of only 92 community custody inmates. This is about 30 percent of the amount of partial confinement capacity planned during these years.

Unless the classification system used by DAJD is changed, the planned decrease in city responsibility misdemeanants and the effect that this will have on community custody inmates will change the classification mix in the future. The estimated change in classification mix due to the change in the number of city responsibility inmates is shown in the tables below.

Table 5.3a: Projected Classification Mix - Men

Classification	Time Period		
	2004	Jan-June 05	July 05 on
Unclassified	5.6%	5.6%	5.6%
Community	6.1%	4.1%	3.4%
Minimum	35.1%	36.1%	36.4%
Medium	30.9%	31.9%	32.3%
Close / Maximum	7.3%	7.3%	7.3%
Intake	1.4%	1.4%	1.4%
Special populations	13.6%	13.6%	13.6%

(columns may not add to 100% due to rounding)

Table 5.3b: Projected Classification Mix - Women

Classification	Time Period		
	2004	Jan-June 05	July 05 on
Unclassified	2.0%	2.0%	2.0%
Community	8.4%	5.7%	4.8%
Minimum	52.2%	54.0%	54.6%
Medium	19.1%	19.9%	20.1%
Close / Maximum	1.2%	1.2%	1.2%
Intake	2.0%	2.0%	2.0%
Special populations	15.1%	15.2%	15.2%

(columns may not add to 100% due to rounding)

Disaggregated Population Projection

In the short term – that is, over the next two years while the Integrated Security Project is underway – there are several factors that could have a significant impact on DAJD operations. The first is the Andress cases, its timing, and the classification of inmates returning from prison. Presumably all returning inmates would be classified medium or close/maximum custody. Because there is limited number of close/maximum security cells in the DAJD system, the more returning inmates who are at the highest classification levels the greater the impact. Furthermore, if inmates were to return during months when either the 10th or 11th floor of the KCCF is being

renovated for the ISP, the number of inmates requiring close or maximum security beds could easily exceed system capacity. This overage would have to be accommodated in cells that are usually used for medium custody inmates. Using these cells for close custody inmates might require putting one inmate in cells that commonly hold two inmates and/or adding additional staff in these units.

It is not known how the DAJD classification instrument will classify returning Andress inmates. To the extent that their return – if it happens – stresses DAJD cell capacity at close/maximum custody, it is recommended by the OMP Team that DAJD override those who have a clean DOC record for institutional behavior to medium custody. After all, they are returning in the hopes of a reduced sentence – a circumstance which should give them a strong incentive to be on good behavior. An inmate's DOC record is a matter of public information and it should be a simple matter to obtain and incorporate it in such decisions.

The second factor that could have significant short-term effects is the shift in classification mix as the number of city responsibility misdemeanants continues to go down. If DAJD is unable to divert more inmates to community custody there will be more inmates in secure confinement.

Given these factors – even if the West Wing is entirely occupied - it is estimated that during the ISP four or five units at the RJC will be routinely double bunked and some months up to seven units will be doubled. If the Andress cases simultaneously result in the temporary return of substantial numbers of inmates from prison, there will be many months when the RJC population exceeds 1,200.

Because these are relatively short-term issues, how the ISP may interact with these various scenarios is discussed in detail in the *ISP Implementation Plan*.

As noted earlier in this chapter (see page 91), the overall population projections is “a forecast of stability.” For the most part this is true for the subcategories in the disaggregated forecast - with the notable exception of community custody inmates. Since it is a forecast of stability, the decline in community custody inmates must be offset elsewhere. Most of the offset is in medium custody and almost all of it is in the felony population – especially pretrial felons.

Tables 5.4a, 5.4b, and 5.4c, below, show the estimated average annual population by custody level for men, women, and the total department. This forecast does not include inmates in intake or the infirmary. It also does not include the impact of the Andress cases which, if it occurs, will likely only affect 2004 and 2005.

Table 5.4a: Projected Population by Classification – Men

Year	Classification				Subtotal	System
	Community	Minimum	Medium	Close/Max	Secure	Total
2004	146	876	935	259	2070	2,216
2005	87	860	989	255	2105	2,191
2006	78	879	1016	260	2154	2,232
2007	79	877	1014	260	2151	2,230
2008	81	873	1010	259	2141	2,223
2009	81	896	1035	265	2196	2,278
2010	84	879	1017	261	2156	2,241
2011	84	888	1027	263	2178	2,263
2012	87	900	1041	267	2207	2,295

Table 5.4b: Projected Population by Classification – Women

Year	Classification				Subtotal	System
	Community	Minimum	Medium	Close/Max	Secure	Total
2004	27	172	86	14	272	298
2005	16	169	90	14	273	289
2006	14	172	92	14	279	293
2007	14	172	92	14	279	293
2008	15	171	92	14	277	292
2009	15	176	94	14	284	299
2010	15	173	93	14	279	295
2011	15	174	94	14	282	297
2012	16	177	95	14	286	302

Table 5.4c: Projected Population by Classification – Total

Year	Classification				Subtotal	System
	Community	Minimum	Medium	Close/Max	Secure	Total
2004	173	1048	1021	273	2342	2,514
2005	102	1029	1080	269	2377	2,480
2006	93	1051	1108	274	2433	2,526
2007	93	1050	1107	274	2430	2,523
2008	96	1044	1101	273	2419	2,515
2009	96	1072	1130	279	2481	2,577
2010	100	1052	1109	275	2436	2,535
2011	100	1062	1120	278	2460	2,560
2012	103	1076	1135	282	2493	2,597

Since these are annual averages, normal variation during the course of a year will cause these totals to be periodically higher or lower. Over the course of the forecast the standard deviation averaged about four percent of the annual average. For most years this is equal to a little more than 100 inmates. Consequently, about two-thirds of the time the monthly ADP should be less than the forecasted annual ADP plus 100. Ninety-five percent of the time it should be less than the annual ADP plus 200.

IMPLICATIONS FOR SYSTEM CAPACITY

While capacity will be somewhat smaller during the first two years of the forecast, during most of the population projection, system capacity is expected to be as shown in Table 5.5.

Table 5.5: System Operational Capacity by Security Level (after completion of ISP)

Facility/Program	Security Level			Total	
	Community	Minimum	Medium		Close/Max
KCCF (2.5% vacancy rate)					
Floor 11				93	93
Floor 10		132		141	273
Floor 9		132	183		315
Floor 8		132	187		319
Floor 7		109	93		202
WW 4		207			207
WW 2/3		173			173
WW 1		42			42
Subtotal		927	463	234	1624
RJC (5% vacancy rate)					
D				61	61
E			61		61
F			61		61
G			61		61
H			61		61
J			61		61
K			61		61
L			61		61
M			61		61
N				60	60
P			61		61
Q			61		61
R			61		61
S			61		61
Subtotal			732	121	853
Community Programs (5% vacancy for WER 0% for other)					
Work/Ed Release	180				180
Electronic Home Deten	70				70
Day Reporting Center	33				33
Work Crew	25				25
Subtotal	308				308
TOTAL	308	927	1195	355	2785

Note that a vacancy factor is included for each facility. The vacancy factor converts total capacity into operational capacity. The security level is determined by the physical characteristics of the cells, housing units, and floors that inmates occupy.⁶⁸

⁶⁸ For example, a major difference between close/max and medium security is that the former should have sliding cell doors with cuff ports/tray passes while the latter can have (less expensive) swinging doors. Swinging doors can be used as a weapon and are more difficult to use when an inmate is uncooperative. Cuff ports make it possible to constrain an inmate prior to coming into physical contact with him or her.

Comparing capacity by security level by estimated inmate population by custody level shows where and when there are surpluses or deficits in capacity. This is shown in Table 5.6. (Table 5.6 subtracts the projected population by classification level by year in Table 5.4c from the totals line for system operational capacity by security level in Table 5.5.)

Table 5.6: Projected Surpluses/Deficits by Security Level by Year

Year	Security Level				Subtotal Secure	System Total
	Community	Minimum	Medium	Close/Max		
2006	215	-101	111	87	96	311
2007	215	-100	112	87	99	314
2008	212	-95	117	88	110	322
2009	212	-122	89	81	49	260
2010	209	-102	109	86	93	302
2011	208	-112	98	83	69	277
2012	205	-126	83	79	36	241

Note that there are significant surpluses in community based programs and significant deficits in minimum security. Since inmates should never be held at a security level that is less than their custody classification, the surplus community capacity is not useful. Inmates can, however, be held in units that have a higher security level than their custody classification level requires.⁶⁹ Consequently, the surplus capacity at medium security and close/maximum security can be used to offset the deficit at minimum security.

It also important to note that the total surplus in secure confinement (the column labeled "Subtotal Secure" in Table 5.6) is generally less than one standard deviation from the annual average. In the absence of significant change in the population projection, or loss of secure confinement capacity, it is expected that this normal variation can be handled by double celling units at the RJC.

AJOMP AND CRIMINAL JUSTICE COUNCIL INITIATIVES

Recommendations in the Adult Justice Operational Master Plan (AJOMP) and initiatives by the King County Criminal Justice Council are intended to help reduce the number of inmates in DAJD's adult detention facilities. As of the date of this report, the AJOMP recommendations that have been implemented include:

- A felony failure to appear reduction project
- Misdemeanant failure to appear reduction strategies
- A relicensing program for DWLS 3 defendants
- A day reporting center primarily targeted for pretrial defendants
- A work crew alternative for offenders sentenced to jail (also serves pre-sentenced defendants in the relicensing program)

⁶⁹ This is a common occurrence in DAJD adult facilities. When this happens the department typically reclassifies a medium security housing unit as minimum security. While the unit doesn't physically change, the privileges and opportunities afforded to inmates do.

The establishment of the day reporting center, along with renewed emphasis on work crew and electronic home detention, provides King County with a continuum of settings for pretrial defendants and sentenced offenders that ranges from less restrictive to most restrictive.



Other initiatives, such as improved information technology to reduce the issuing of warrants to defendants who are in jail and revisions to the Felony Administrative Release Recommendation (FARR) guidelines, are either underway or planned.

In addition, a 2003 budget proviso set up a \$2,000,000 reserve account for responding to unanticipated increases in adult detention populations provided that a criteria and process be established to ensure that alternatives were being used effectively and that DAJD was operating efficiently. The effect of this proviso is to ensure that DAJD and the Criminal Justice Council remain cognizant of how alternatives to detention are being used and to take steps to use them to the maximum extent possible that is consistent with public safety.

It is important to note that initiatives involving out-of-custody offender placements are generally intended for lower risk offenders. Since, as noted above, the bulk of the lower risk offender population comes from pretrial and sentenced misdemeanants and, since the misdemeanant population will continue to decline due to interlocal agreements, it is likely that these programs will be in increasing competition for a group of offenders that is progressively getting smaller. The implication of this is that the efficacy of these initiatives at reducing jail populations will likely decline over time.

One area of flexibility that King County has in managing felony populations has to do with community custody violators under the jurisdiction of the Washington State Department of Corrections (DOC). Under the Offender Accountability Act of 1999, jurisdiction over community custody violators was changed from the courts to DOC. While local jails are legally responsible for confining persons remanded to custody by the courts, there is no such responsibility with regard to the quasi-judicial decisions made by DOC under the Offender Accountability Act.

Most local jails in Washington State have used this change in state law to exclude community custody violators who are under the jurisdiction of DOC. King County has not. In fact, pending council approval (scheduled for vote sometime around the publication date of this report), King County will contract with DOC to provide up to 200 beds for these violators. If, at some future date, King County needs this capacity for some higher priority it can be recaptured by phasing out the contract with DOC.

CHAPTER SUMMARY

The population forecast prepared for DAJD in May 2003 has been generally accurate in its projection of the total number of offenders in secure and partial confinement during the first year of the forecast. After projecting an initial increase in jail population levels, the forecast becomes in later years a forecast of stability.

Provided that the 435 minimum security beds in the West Wing are opened, the forecast predicts that King County will have sufficient capacity in its adult detention facilities for at least the next ten years.

During upcoming years there will be increasingly more felons in the jail population. Overall, the composition of the offender population will change such that a larger percentage of inmates will be at higher custody levels than prevails today. This will require increased use of dormitory capacity in the KCCF tower for medium custody inmates.

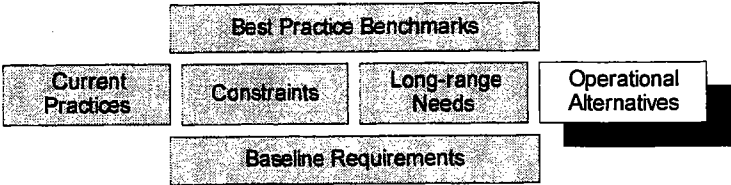
King County has been aggressive in pursuing alternatives to secure detention for lower risk offenders. Continued emphasis on these alternatives should help maintain population levels at or below forecast levels – at least for a time. However, the expected shift toward higher custody levels noted above will make it increasingly difficult to fill alternatives to secure detention and to affect jail population levels by such strategies in the future.

King County has some flexibility in how it handles community custody violators under the jurisdiction of the Department of Corrections. If necessary, King County could obtain 200 additional beds by phasing out contractual agreements with DOC.

All of these factors together suggest that King County will be able to meet its obligations to provide safe and secure confinement of pretrial and sentenced offenders for the next ten years without having to expand capacity through new construction.

CHAPTER 6

OPERATIONAL ALTERNATIVES

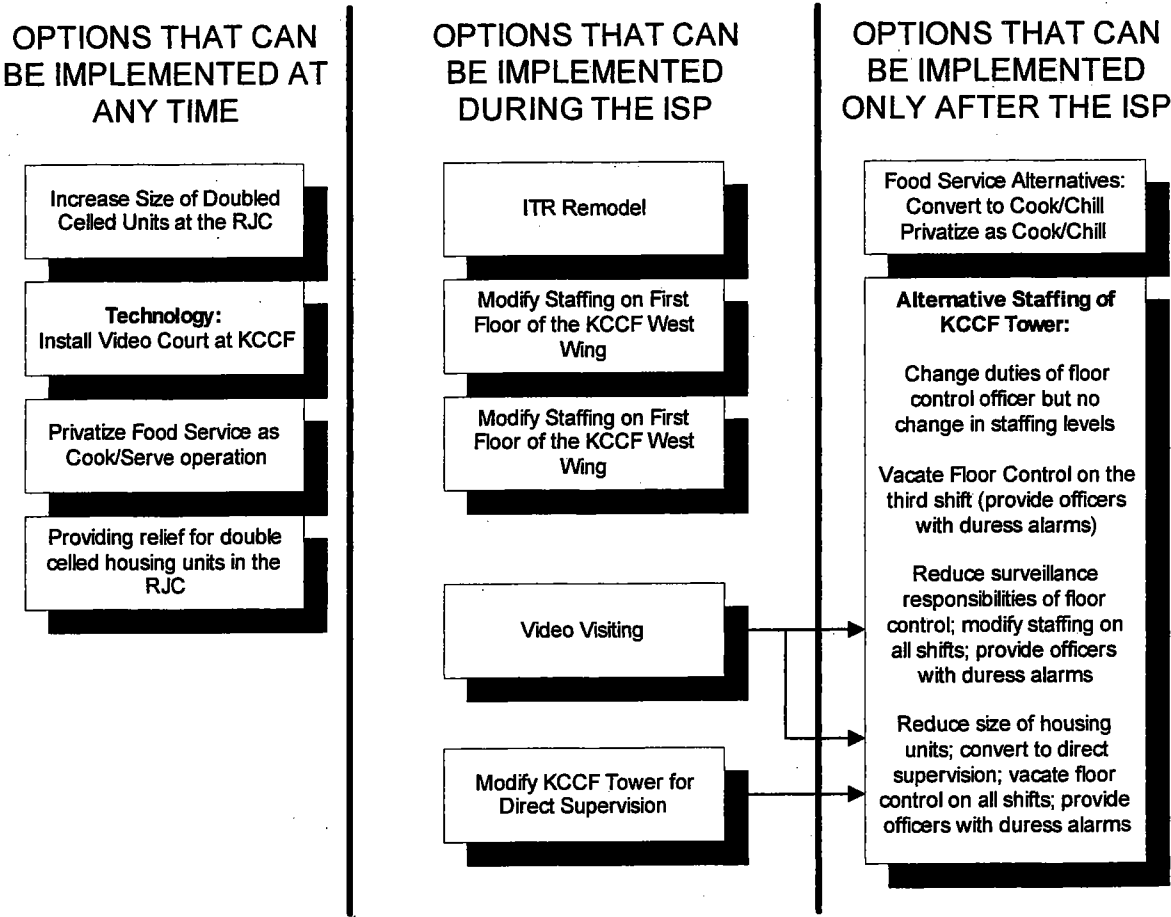


INTRODUCTION

This chapter presents operational alternatives that King County may wish to consider as means to increase efficiencies in the DAJD’s Adult Detention Division.

Some of these options are inter-related and some are mutually exclusive. Some may be implemented whenever deemed appropriate. Others can be implemented during the Integrated Security Project. Still more, including those with the greatest potential for cost savings, cannot be implemented until after completion of the ISP. Finally, there are options that may someday prove cost-effective or otherwise desirable but that have no immediate measurable effect on efficiency or relationship to the ISP project. A few options that were analyzed do not appear to increase efficiency or have other reasons why they should be implemented.

The following diagram shows the relationship of various options to each other and over time.



Other alternatives examined in the OMP may provide efficiencies sometime in the future, or may prove necessary or desirable for other reasons. These include the following:

- Increase the Hammer capacity of KCCF
- Consolidated Booking (reduce booking hours at the RJC from 10 hours per day to 8 hours per day)
- Court Detail: foster interagency process improvements to increase Court Detail efficiency
- Expand the RJC
- Technology: Criminal Justice Integration Projects; Telemedicine & software applications; Network Infrastructure Optimization

A few alternatives examined in the OMP were found ineffective at providing efficiencies and are not recommended for consideration as operational changes. These include:

- Replace KCCF
- Use of the West Wing for Work Release
- Consolidated Booking (eliminate booking at the RJC)

An examination of the issue of women in detention is included in this chapter at the request of County Council staff. It does not include recommendations for specific changes in operations.

Finally, there are issues identified during the last stages of the OMP that could not be analyzed in time to be included in this document. These are included at the end of this section under the title, "Other Issues to Explore."

It is not expected, nor recommended, that King County implement all of these operational changes. Consequently, information is presented in the form of decision packages that provide information to inform decisions. To that end, each option includes a description of the alternative, analytical discussion, cost analysis, policy implications and identification of other non-financial considerations. A listing of alternatives and brief summary of findings follows.

SUMMARY OF FINDINGS

Option 1: Double Bunk RJC Units to 180 Percent of Single Cell Capacity (page 109)

DAJD has already implemented this change. Instead of double celling RJC units to 165 percent of single cell capacity the department now double cells up to 180 percent of single cell capacity. Savings from this change have already been incorporated in the department's 2004 budget.

Option 2: Providing Relief for Double Celled Units at the RJC (page 110)

Additional workload is generated when the RJC is operated at more than 100 percent of single cell capacity. The OMP team finds that DAJD's current staffing practices when units are double celled are reasonable; however, additional analysis might identify ways to generate efficiencies. This issue is also included in "Other Issues to Explore," below.

Option 3: Intake, Transfer and Release (ITR) Remodel (page 116)

A major remodel of the ITR area of the KCCF can be self-financed through reduction in staffing made possible through the remodel. Changes to this area also enhance the potential

for future savings brought about by OIRM Law, Safety and Justice Integration projects and perhaps by other technology enhancements. Changes to the layout of the ITR area will simplify the flow of inmates through the ITR processes and improve safety within the area by eliminating redundant circulation systems and improving visual supervision of inmates. Part of the remodel is an important ingredient in the redesign of Jail Health Services operations.

Option 4: Changes to the First Floor of the West Wing of the KCCF (page 120)

After changes are made to the first floor of the West Wing through the ISP, it should be possible to operate the floor with less staff at night and perhaps with less staff during the day. These potential changes require that the first floor no longer be used for inmate housing and that the duties and responsibilities of correctional officers on the first floor be carefully controlled. Potential cost avoidance ranges from \$285,000 to \$569,000 per year.

Option 5: Remodel KCCF for Direct Supervision (page 123)

Direct supervision is a best practice management philosophy and style. As designed, the KCCF facility is poorly suited for this type of inmate management but alterations could be made to make some floors in the building work effectively as direct supervision units. These alternations require removal of some cells and dormitory units that would reduce capacity in the KCCF. By itself there is no clear economic justification for this change but direct supervision is a prerequisite for the most ambitious and aggressive KCCF staffing possibilities after the ISP is completed.

Option 6: Food Service Alternatives (page 127)

It is unclear whether use of cook/chill equipment at the RJC can reduce the cost of food service at DAJD facilities. Privatization of food service operations has produced economies elsewhere.

Option 7: Alternative Staffing of KCCF after Completing the ISP (page 132)

The ISP creates the possibility of new ways to operate the KCCF. All of them will require careful testing, evaluation and – if found to be effective without reducing staff and inmate safety - incremental implementation. Options range from changes in operation on the third (graveyard) shift to changes on all shifts. All require duress alarms for correctional officers and some require video visiting and other physical changes to the building. Potential cost savings range from a low of \$568,000 to a high of \$2,422,000 per year.⁷⁰ The greatest potential savings come at the expense of losing some capacity in the KCCF tower which, if replaced elsewhere, would result in smaller savings than that listed above.

Option 8: Technology (page 151)

The biggest impact that new technology will have on the jail is the ISP. Other issues, such as expansion of video court, will have modest impacts on the efficiency of both the jail and other parts of the criminal justice system. Video visiting is an important prerequisite to savings under some of the post-ISP staffing possibilities in the KCCF. Other technology enhancements, such as the Criminal Justice Integration initiatives, will have to mature before significant efficiencies can be expected.

⁷⁰ The cost of duress alarms and other physical changes are not factored into these estimates of savings.

Option 9: Increase Hammer Capacity of the KCCF (page 163)

The capacity of the KCCF is limited by the Hammer Settlement Agreement. A reasonable modification of the agreement – which requires consent of both parties – could increase the number of inmates held in the downtown jail by up to 120. An increase in this amount is contingent upon Jail Health Services successfully reducing the number of inmates under mental health observation by creating a step-down unit for mentally ill offenders.

Option 10: Consolidated Booking (page 167)

Consolidation of all booking at the KCCF would result in a small *increase* in cost due to more frequent transports between the KCCF and RJC. Service would be reduced to south-end law enforcement and King County would no longer be able to act as the regional hub for inmate transports. Elimination of ITR at the RJC is not recommended.

Option 11: Court Detail (page 170)

Minor efficiencies in Court Detail will occur with the expansion of electronic scheduling of inmates for court appearances. The broader efficiency of Court Detail is directly related to the efficiency of criminal case processing and, as such, is an issue involving all of the participants in the adult justice system in King County.

Option 12: Expand the Regional Justice Center (page 174)

Up to four 64-bed housing units can be added at the RJC at a cost far less than building the equivalent capacity at a new site. The population forecast suggests that this will not be necessary over the next ten years. There is no financial justification to build these additional units in the absence of a need for more capacity in secure detention.

Option 13: Replace KCCF (page 177)

Someday the KCCF will be replaced. While a new facility could be designed to be more staff efficient than the existing KCCF, the cost of new construction far outweighs the financial benefits of replacement.

Option 14: Use of the West Wing for Work Release (page 181)

Given the historic volatility of jail population levels and uncertainty about the jail population forecast, use of the West Wing of the KCCF for work release risks placing the county in a position where it has insufficient capacity in secure detention. This alternative is not recommended by the OMP team.

Option 15: Women in Detention (page 193)

The King County Women's Advisory Board commissioned a study that identified a number of issues of particular importance to women in detention. Many of these issues – such as affordable housing in the community and services outside of jail – involve agencies other than DAJD and are outside the scope of the OMP. Certain issues, such as eliminating situations where female inmates are housed with men in different sections of the same housing unit, are addressed in other parts of the OMP.

Other Issues to Explore (page 198)

Some ideas, including some that surfaced toward the end of the OMP process, merit further study and consideration. These include: preparing capital cost estimates for the more promising options identified in the OMP; possible alternative ways to provide relief and

escort functions when RJC units are double celled; renegotiation of collective bargaining agreements to increase flexibility in staff assignments, reduce the number of job classifications, expand the use of inmate labor, and implement other efficiencies; inter-agency review of criminal case processing; developing staffing standards for the department's facilities; and reduction of booking hours at the RJC to something less than 10 hours per day while maintaining a presence for south-end law enforcement and continuing to support the regional prisoner transportation hub.

OPTION 1: DOUBLE BUNK RJC UNITS TO 180 % OF SINGLE CELL CAPACITY

BACKGROUND:

When housing units at the RJC were double bunked prior to autumn 2003, it was DAJD's policy to increase the capacity of RJC housing units to 165 percent of single cell capacity. This represented an increase from 64 to 107 beds. When this was done, a second officer was added on the first and second shift. At the same time, a relief officer was added on all shifts to ensure that there were always two officers in a double celled housing unit when inmates were awake and one when they were asleep.

CURRENT PRACTICE:

Following discussions that took place as part of the Integrated Security Project and this Operational Master Plan, and in light of budget reductions, DAJD changed its policy in 2003 to increase the capacity of double celled RJC housing units to 180 percent of single cell capacity. This increased the capacity of a unit from 64 to 115 – nine more than under the previous policy. Since the same staffing is used when units are doubled to 180 percent, doubled units become somewhat more efficient than under prior practice.

PROPOSED ALTERNATIVE(S):

Since the modified policy has already been adopted, there are no alternatives considered for this option.

SUMMARY CONCLUSIONS:

Through review of 50 direct supervision housing units around the county it was determined that the practice of adding a second officer when a single celled unit is double bunked is essentially universal. The same survey showed that increasing capacity to 115 inmates under the supervision of two officers places DAJD in the top third of the facilities survey.⁷¹ That is, about two thirds of the jails would not increase capacity as much as DAJD. From these data it was determined that DAJD's policy, while somewhat aggressive, is within the bounds of normal correctional practice.

While increasing the efficiency of the unit, increasing the capacity of a doubled celled unit from 107 to 115 only affects overall operating costs at specific population levels where opening of another double celled housing unit is delayed or, in the case of higher RJC populations, avoided.

FISCAL IMPACT:

The fiscal impact of this change is modest until the population at the RJC exceeds about 1,100. At that point, it would take seven units doubled celled to 165 percent of single cell capacity to accommodate as many inmates as six units at 180 percent. On an annual basis, this represents a savings of about \$263,000 per year.⁷² At populations below this level the dollars saved are from the days or weeks during which opening another housing unit can be delayed due to the higher capacity generated by the new policy. As the population approaches 1,100 a greater percentage of days where opening a new unit is avoided should be experienced. On a daily basis, about \$722 is saved whenever a new unit does not have to be double celled. The agency's 2004 budget assumes a savings of \$315K and 5.0 FTEs based on the implementation of this policy. Variations in RJC population will determine how much the new policy actually saves.

⁷¹ See *Integrated Security Project Implementation Plan*, Christopher Murray & Associates, March 2004

⁷² At an assumed average annual cost of \$73,781 per correctional officer.

OPTION 2: PROVIDING RELIEF FOR DOUBLE CELLED UNITS AT THE RJC

BACKGROUND:

When necessary, housing units at the RJC may be double celled up to 180 percent of single cell capacity. As the inmate population goes up, workload for correctional officers increases for two main reasons. First, the number of people under supervision in a housing unit increases by up to 51 inmates. This impact is actually greater than simply adding another 51 inmates since, by double celling, correctional officers have to be concerned with situations that can develop in two-person rooms that do not occur in single-occupancy rooms. To maintain supervision when there are so many inmates in a unit, DAJD assigns two officers to a housing unit - except during the night when inmates are asleep. By collective bargaining agreement, regularly scheduled breaks for correctional officers include one 15-minute break approximately two hours into the shift, a half-hour meal break near the midpoint of the shift, and one 15-minute break approximately six hours into the shift. Providing relief for additional housing unit officers is another consequence of having units double celled. The second reason why workload goes up is that inmates bring with them added workload outside the housing unit. This is primarily related to escorts. Inmates are escorted to and from court, clinic, programs, and inmate jobs. More inmates - particularly more inmates in double cells - also means more fights and other situations that require correctional officer response and intervention.

The question is: how does double celling at the RJC affect correctional officer workload and how best might that additional workload be provided for?

CURRENT PRACTICE:

DAJD's policy is to add one relief/escort officer on all shifts for every three RJC units that are double celled. During the first and second shifts unit officers are relieved to go on 15-minute breaks approximately two and six hours into the shift. In single-celled housing units inmates are locked in their cells while the officer goes on his or her meal break. A partial lockdown is used during officer meals in double-celled units so that first one, and then the other, unit officer leaves the unit for the mid-shift break. The relief officer is also entitled to breaks.

DISCUSSION:

DAJD's policy of adding one additional activity officer for every three doubled housing units was the subject of lengthy discussion and analysis during development of the OMP. Initially it was believed that officers in double celled units were relieved for both 15-minute and meal breaks. Various alternatives for providing relief were proposed and explored. These included several options for using overtime relief and for locking back half the inmates while unit officers took sequential meal breaks with no relief. When it was discovered that officers in double celled units were only being relieved for 15-minute breaks and not for meals, it became clear that the Relief Officers must be doing something in addition to simply providing relief for officers taking breaks.

Insight into this issue was provided when DAJD reported that, when the RJC is at 100 percent of single cell capacity, sergeants and officers from ITR are sometimes used to provide escort and other services that can't be provided by the four "relief" officers on duty during the first and second shift. In other words, DAJD reports that when the RJC is full, the facility is somewhat under-staffed.

To help further evaluate this and other staffing issues the OMP team conducted reviews of the duties and responsibilities of correctional officers in numerous posts at both DAJD facilities on all shifts. This involved structured interviews and observation of officers while they were working.

Upon further exploration two things became apparent. First, relief for 15-minute breaks takes longer than 15-minutes; and second, there are many duties other than relief that are performed by Relief Officers. Relief for 15-minutes breaks takes longer than 15-minutes for several reasons. First, the relief officer must move between units. While the time it takes to move between units depends upon how far apart they are, walking time is longer in a jail than elsewhere because there is a delay leaving and entering each unit waiting for sally port doors to be opened and closed. A second reason why it may take longer than 15-minutes is that, for more efficient operation of the facility, an officer may perform some needed task on the way to and/or from break. For example, if an inmate needs to be escorted to the clinic, the officer will provide the escort while heading for break. The time needed to perform the additional duty extends the time the officer is off-unit and therefore extends the time the relief officer must remain in the unit. A code will also extend the total time during which relief for breaks is provided. If the relief officer is not actively providing relief, he or she is a first responder to the code. If the relief officer is providing relief, the officer on break is a first responder to the code. Either way the total amount of time to provide 15-minute breaks is extended.

The following table shows the approximate schedule for a Relief Officer who is designated to provide relief for the additional officers in three double celled units. In this example the average time required to provide 15 minutes of relief for one officer is assumed to be 20 minutes. Some days it might be shorter; some days it might be longer. (Note that the added Relief Officer provides relief only for the additional three housing unit officers. Relief for the first officer in each unit is already provided by the Relief Officers assigned to the facility when it is single celled.)

Approximate Schedule for a Relief Officer when Three Units at the RJC are Doubled

Start of Shift	6:30		
	6:30	6:45	
	6:45	7:00	
	7:00	7:15	1.5 hours
	7:15	7:30	for other duties
	7:30	7:45	by Relief Officer
	7:45	8:00	
Unit 1 – CO 2	8:00	8:20	15-Minute Breaks
Unit 2 – CO 2	8:20	8:40	with 5 minute lag
Unit 3 – CO 2	8:40	9:00	between breaks
Relief Officer break	9:00	9:15	
	9:15	9:45	
	9:45	10:00	
	10:00	10:15	1.75 hours
	10:15	10:30	for other duties
	10:30	10:45	by Relief Officer
	10:45	11:00	
Relief Officer meal	11:00	11:30	
	11:30	11:15	.75 hour
	11:15	12:00	for other duties
	12:00	12:15	by Relief Officer
Unit 1 – CO 2	12:15	12:35	
Unit 2 – CO 2	12:35	12:55	
Unit 3 – CO 2	12:55	13:15	
Relief Officer break	13:15	13:30	
	13:30	13:45	
	13:45	14:00	1 hour
	14:00	14:15	for other duties
	14:15	14:30	by Relief Officer
End of Shift	14:30		

This table shows that the additional relief officer is providing relief for about two hours a shift. The relief officer's own breaks take another hour. That leaves about five hours per shift for the Relief Officer to perform other duties.

Other duties performed by Relief Officers were identified by the consultant team through post reviews at both facilities and by information provided by DAJD. The following is a list of Relief Officer duties at the RJC.

Duties Performed by Relief Officers at the RJC

- Cover 15 minute breaks for housing unit officers in 14 housing units (two times per day)
- Cover 15 minute breaks for housing unit officers in double celled units (two times per day)
- Cover 15 minute breaks for central control and housing control officers (two times per day)
- Cover 30 minute meal breaks for central control, housing control, and close custody/special population housing units (D, M, N)
- Assists officer in housing units with formal counts (twice per shift)
- Assists officer in housing units with hourly security checks
- Provide inmate escorts for:

Clinic - Hours are 0750-1500
DOC hearings M-F, begin in AM and run until completed – sometimes into 2nd shift.
Face-to-face attorney visits (requires strip search after visit)
Detective interviews as needed
Line-ups as scheduled
DNA testing M-F, number varies daily
Fingerprints as requested
Video court - begins at 0930 and concludes in early afternoon.
Transfers as assigned
Releases as requested
Housing unit transfers as assigned
571 movements as assigned
Janitorial program as scheduled
School programs as scheduled
Religious services as scheduled
Kitchen worker escorts
Laundry worker escorts
Assist with Court Detail returns as needed
Escort trades people as needed
Assist with inmate meals, monitor hallway and pickup/delivery process
Food tray delivery
Food tray pick-up and clean-up
Shakedown
Emergency response as needed
Hospital emergency transports
On-shift training
Monitoring hallways
Replacement when short staffed

When the RJC is single celled, there are four Relief Officers on duty on first and second shift, and two on third shift.

When single celled, there are 16 officers who need relief for two 15-minute breaks per shift (14 housing unit officers plus the central control officer and the housing control officer). In addition, there are five officers who need relief for 30-minute meal breaks (central control, housing control, and officers in special population housing units D, M and N). Assuming that it takes an average of 20 minutes to cover each 15-minute break and 35 minutes to cover each half-hour meal break, there is a total of 8.25 hours of relief provided by the four Relief Officers on duty when the facility is single celled. This leaves 19.75 hours for the four Relief Officers to perform the other duties listed above. When the RJC is at 95 percent of single cell capacity, this means there is one hour of Relief Officer time to perform these other duties for every 43 inmates ($850/19.75 \approx 43$).

For every three double celled units that are filled to 95 percent capacity there are an additional 145 inmates at the RJC. As seen above, the Relief Officer added for each three units has about five hours during the shift when he or she is available to perform non-relief duties. Adding both the additional inmates and additional Relief Officer hours results in a somewhat more favorable

ratio of inmates to Relief Officer hours as when the facility is entirely single celled $((850 + 145) / (19.75 + 5) \approx 40)$

Based upon the post reviews, the OMP team found that the Relief/Activity Officer posts are generally busy posts. In the opinion of the OMP team, the current DAJD policy when RJC units are doubled is a reasonable policy but one that should be reviewed more closely by the department. The OMP team notes that if an additional relief Officer were added for every *four* doubled housing units, the ratio of inmates to Relief Officer hours would be approximately 42 : 1 – or essentially the same as is available when the facility is entirely single celled.

Obviously, the number of hours available for the Relief Officer to do things other than provide relief to double celled housing units is greater when one or two cells are doubled than when three are doubled. In independent work the Auditor's Office has demonstrated that, under DAJD's staffing policy, overall staffing efficiency declines as more than three units are double celled.⁷³ This analysis demonstrates that the argument of adding one officer for every three double celled housing units becomes less convincing as the number of double celled units increases. Whether or not this suggests that alternative strategies – such as the use of intermittent staff or overtime – make sense when only one or two units are doubled depends on the validity of DAJD's representation that the RJC is somewhat understaffed when it is running at 100 percent of single cell capacity. The question of continuing to add Relief Officers as more units are doubled is an issue that has arisen in the last days of the OMP project and therefore it has not been addressed.

Part of the evaluation of the validity of DAJD's claim that the RJC is short staffed when running at 100 percent of single cell capacity depends on correctional judgment. Because of the serious nature of the jail business, such determinations cannot be decided by quantitative means alone. While, in the opinion of the OMP team, this is not the most material issue, additional review of staffing policy when the RJC is double celled is one of the items identified as meriting additional study in the Operational Master Plan. A staffing model, such as is described in the "Other Issues to Explore" section beginning on page 198, would be a good way to clearly delineate the responsibilities of these Relief Officer posts and provide a firm foundation for further analysis.

PROPOSED ALTERNATIVE(S):

There were four alternatives to DAJD's policy originally considered as alternatives to current DAJD practice:

1. Use overtime to provide relief some or all of the time.
2. Lock back half the inmates – one inmate to a cell – on first and second shift when officer breaks occur and leave one officer in the unit while the other goes on break.
3. Provide one relief officer on first and second shift for every four units that are double celled.
4. Use a mix of 12-hour and 8-hours shifts for relief officers. (The mix depends on the number of units double celled.)

As noted above, most of these alternatives were conceived as alternative ways to provide relief for the additional housing unit officers when units at the RJC are double celled. This turned out to be an incorrect statement of the problem. In reality, the question is, "how does double celling

⁷³ May 19, 2004 memorandum to the OMP Advisory Group from Cheryle A. Broom, King County Auditor.

at the RJC affect correctional officer workload and how best might that additional workload be provided for?"

It turns out that alternative 2, above, is already done in a modified way for meal breaks..

POLICY CONSIDERATIONS

The Regional Justice Center operates as a direct supervision facility. The direct supervision model is a combination of management and operational philosophy, design features, and staff training. The officers are in constant and direct contact with inmates which allows them to get to know the inmates and recognize and respond to trouble before it escalates into violence. Inmates, as well as staff, are placed in an environment that reduces stress and promotes safety. King County Code also identifies the provision of, and access to, social services as one of the responsibilities of DAJD. King County has a long history of providing various sorts of services for inmates while they are in jail. Any revision to policy that reduces the amount of out-of-cell time represents a compromise of the objectives of the direct supervision model over current DAJD practice.

Double celling, in and of itself, increases risks to inmates and staff. The workload created by adding up to 51 inmates to a unit with 64 cells is greater than simply having 51 more inmates to supervise. When cells have more than one occupant officers must be concerned with situations that can develop inside the cells that do not occur when a cell has a single occupant. When one officer is responsible for 115 inmates – even if half of them are racked back – there is an increase in risk over a single officer supervising 64 inmates.

CONCLUSION:

In the opinion of the OMP consultant team, DAJD's current practice of adding an additional relief/escort officer when units at the RJC are double celled is a reasonable and defensible practice; although further study might identify other ways to accomplish the same objectives. Some of these – particularly examining alternative to maintaining the ratio of one new Relief/Escort Officer for every three doubled units at all levels of doubling – might generate some efficiencies over current practice.

The tasks performed by RJC relief/escort officers have been identified through this OMP. A detailed analysis of the frequency and duration of these activities could help establish a baseline for determining how many relief/escort officers are needed at various population levels at the RJC. It would also inform development of staffing standards as recommended later in this document.

If analysis of the frequency and duration of these duties were to find that the RJC is indeed understaffed when operating at 100 percent of single cell capacity (as reported by DAJD), the policy of adding another relief officer when one to three units are double celled would be objectively validated. If such an analysis arrived at a different conclusion, other means of supporting these functions might be appropriate at various thresholds of inmate population at the RJC, including when one or two units are double celled. Further review of this question is identified by the OMP as one of the "Other Issues to Explore."

OPTION 3: INTAKE, TRANSFER AND RELEASE (ITR) REMODEL

BACKGROUND:

One of the recommendations of the OMP health care consultant and of Dr. Todd Wilcox, consultant to Jail Health Services, was to increase the presence and activity of Jail Health Services at booking. While these changes have long-term cost benefits, they also involve physical changes and capital expenditures.

As options were examined to accommodate the needs of Jail Health Services it became apparent that a more extensive remodel could also improve the efficiency of jail operations in this part of the building. Planning meetings were held – some of which were attended by the OMP consultant – to explore options and identify implications. Out of these meetings came concept drawings from the architect, cost estimates from Turner Construction Company, and a present value cost model from the OMP team (with assistance from the Auditor's Office).

CURRENT PRACTICE:

The existing Intake/Transfer/Release area at the KCCF largely dates from original construction in the early 1980's. Some remodeling has been done and some functions – such as AFIS – have been added. The layout has redundant circulation systems, poor visibility of some inmate occupied areas, and bottlenecks exacerbated by the physical design.

PROPOSED ALTERNATIVE:

The proposed physical changes to the ITR are extensive and best understood by examining plan drawings of the current space and the proposed remodel. Drawings of both configurations are shown at the end of this section.

Because there are staff savings, this option may be self-financing over time.

At minimum, the need for one 24-hour, seven-day-a-week correctional officer post and one five-day eight-hour corrections technician post is eliminated by this remodel. The former is the post known as ITR Control, a small control room that operates several doors and monitors cameras located on the floor. Through the ISP project and the proposed remodel, this function is transferred to the new Central Control room on the fifth floor. Consolidation of functions made possible by physical changes eliminates the need for a corrections technician post on one.

Other staff savings may be possible through this remodel. For example, it may be possible to consolidate the property and cashier function in the future. However, since the physical changes are so extensive, confirmation of actual savings may not be possible until after the remodel is complete and the department has tested alternative ways of operating in the new space.

FISCAL IMPACT:

At the time of this writing, the estimated cost of the proposed remodel – construction and all project related costs – was \$4.4 million. With 2004 rates, and an allocation of average overtime per correctional officer, the cost of one correctional officer is estimated to be \$79,748. The estimated average cost of a corrections technician is \$54,398. Using a 3 percent inflation rate and a 5 percent real discount rate, the net present value of this alternative is negative \$550,000 at ten years and plus \$789,000 at 15 years. A project of this nature would certainly have an expected

life in excess of 15 years, although maintenance costs would be incurred over this time and minor remodel expenses might be needed.

Since some of the improvements are made for the benefit of Jail Health Service operations, trying to offset the full cost of the capital project through DAJD savings is a conservative approach. If JHS costs were excluded, the payback period from DAJD savings would be shorter.

CONCLUSION:

This is an ambitious undertaking that would improve services to law enforcement agencies and create efficiencies in DAJD operations. Portions of the work are necessary to accommodate changes in JHS practices. Savings from elimination of two posts provide a payback in less than 15 years.

**CURRENT CONFIGURATION OF INTAKE/TRANSFER/
RELEASE (SEATTLE)**

(For the purpose of public disclosure, this diagram is exempt under RCW 42.17.31(d).)

**Proposed Redesign of Intake/Transfer
Release (Seattle)**

(For the purpose of public disclosure, this diagram is exempt under RCW 42.17.31(d).)

While it is unlikely that there would be any cost savings to consolidating booking at the KCCF (see Option 10, Consolidated Booking), a remodel such as the one proposed greatly improves visibility and flow within the ITR area. These improvements would make consolidated booking at the KCCF more feasible.

OPTION 4: CHANGES TO THE FIRST FLOOR OF THE WEST WING

BACKGROUND:

The King County Correctional Facility is divided into two separate areas for inmate housing: the tower, where inmates of all custody levels may be housed, and the West Wing, which is only suitable for minimum or community custody inmates. The West Wing was originally constructed to be a work release facility and, as such, was purposefully designed to have as few connections to the tower as possible. Separating the two parts of the building in this way minimizes the chance that work release inmates – who spend part of each day out-of-custody – will have contact with inmates in secure confinement. Throughout its lifetime, the West Wing has been used only briefly for work release. Most of the time it has been used to house minimum custody inmates. During the writing of the OMP it was vacant, as a result of a cost savings initiative implemented by DAJD in 2003.

The number of inmates who can be housed in the West Wing of the KCCF is limited by the Hammer Settlement Agreement to 435. While the Settlement Agreement has specific restrictions on how one part of the West Wing is to be used, there are no restrictions on the first floor or on where most of the inmates are to be housed in the West Wing. The Agreement also requires certain minimum staffing levels in the West Wing, including one seven-day-a-week intermittent post on all shifts for the first floor. By definition, an intermittent post “...will not be staffed at all times and may be vacated without relief for routine absences...”⁷⁴

The first floor of the West Wing contains the visiting and outdoor recreation area for all inmates in this portion of the KCCF. Public access to visiting is through secure doors controlled by an officer at a control station on the first floor. Because of these and other functions, there is little room for inmate housing on the first floor.

CURRENT PRACTICE:

When occupied, it has been the practice of DAJD to house up to 44 inmates – usually minimum custody women – on the first floor of the West Wing. DAJD provides correctional supervision twenty-four hours a day, seven days a week, when inmates are living on this floor. In addition, since the primary access to the West Wing is through the first floor doors – and these doors can only be controlled from the control station on the first floor – an officer is always assigned to this post as well. Consequently, under the current mode of operation, staffing of the first floor is two officers per shift. This is considerably in excess of that required by the Settlement Agreement.

PROPOSED ALTERNATIVE:

Under this alternative, the first floor of the West Wing would not be used to house inmates and inmate access to this floor would be restricted to the first and second shift during which visiting and recreation are scheduled.

Eliminating housing on the first floor eliminates the need for correctional supervision of that area. This can be done without reducing the overall capacity of the West Wing by redistributing the 44 beds on the first floor to other dormitories in the building. Excluding the first floor, there are 21 dormitories in the West Wing where there are no restrictions placed on the number of

⁷⁴ *Settlement Agreement Between the ACLU of Washington, Calvin Hammer, et al, and King County*, Section 1, Paragraph 8

inmates who may be housed in them. These 21 dormitories house, on average, 14 inmates each. By adding one bunk bed to each of these dormitories, 42 of the 44 beds lost by not using the first floor dormitories are recovered. If needed, one of the larger of these 21 dormitories could have two bunk beds added, thereby replacing all 44 beds lost by not using the first floor.

One of the improvements scheduled to take place as part of the Integrated Security Project is to provide a means whereby Central Control controls one set of doors in the first floor sally port and camera surveillance is added to the exterior door. Once this is done there should be no need to have an officer at the first floor control station on the third shift.

It may also be possible to operate the first floor of the West Wing on first and second shift using only one officer if a number of conditions are met:

- First, the first floor must be used only for visiting, yard-out, and programs in the multi-purpose room. Functions historically provided by West Wing 1 officers – such as providing intake services for work release and inmates on electronic monitoring – must be provided elsewhere. Volunteers, who often first go to the first floor to meet with the volunteer coordinator, should be routed elsewhere.
- Second, the first floor control functions – which are currently out in the open – must be made secure.
- Third, all inmates moving from upper floors must be escorted by an officer to their first floor destination. This ensures that there would be two officers present whenever inmates were outside a locked area on the floor.

Removing the second officer from the first and second shift is more problematic than vacating the floor on the third shift. This option is an example of a change in operation that should be first tried on a trial basis, evaluated, and continued only if shown to be safe and effective.

FISCAL IMPACT:

Since at the time this report was written the West Wing was not occupied, there are no current savings associated with this alternative. However, since it will be necessary to reopen the West Wing for the ISP and expected inmate population growth, future costs are avoided. At an average annual cost of \$79,948 per correctional officer, future costs of about \$285,000 per year are avoided if the floor is not staffed on the third shift. Cost avoidance of approximately \$569,000 per year may be possible if the second officer post is eliminated on the first and second shift as well.

CONCLUSION:

This alternative negates the need to add between 3.56 and 7.12 FTEs and \$285,000 to \$569,000 in costs per year if the West Wing resumes operations at full capacity. Achieving the higher savings involves considerably more uncertainty and potential risk than the lower savings. This is an option that should be tested, evaluated, and made permanent only upon demonstration that it is safe and effective. No capacity need be lost through this change.

OTHER CONSIDERATIONS:

Because the first floor of the West Wing has historically been used to house female offenders, some other location should be identified in order to provide comparable housing opportunities

for women. This could be accomplished by using 4 West for females – an area that has also been used for this purpose in the past.

For security reasons, and to satisfy the requirements of the Hammer Settlement Agreement to have an intermittent officer on the first floor, it would be necessary to send an officer from an upper floor to do periodic nighttime security checks.

OPTION 5: REMODEL KCCF FOR DIRECT SUPERVISION

BACKGROUND:

DAJD's two adult detention facilities follow two different models of correctional management: direct supervision (at the RJC) and indirect supervision (at the KCCF⁷⁵). The direct supervision model is a combination of management and operational philosophy, design features, and staff training. Under this model officers are in constant and direct contact with inmates. Under the indirect supervision model officers are usually assigned to fixed locations – wing stations and secure control rooms – that provide little or no direct contact with inmates.

The direct supervision model is generally considered to be a best practice throughout the correctional industry. Direct supervision is associated with lower incidents of violence and less property damage. Unfortunately, the KCCF tower was designed as an indirect supervision facility and, as currently configured, it would be difficult to operate it any other way.

The question is: could the KCCF tower be modified to operate as a direct supervision facility?

CURRENT PRACTICE:

There can be up to 350 inmates on a typical floor in the KCCF tower. These inmates are distributed between three housing units, two of which house up to 96 inmates in double occupancy cells and one of which has dormitories that can collectively house up to 160 inmates. Shared visiting, recreation, and program space are centrally located on each floor in areas that can only be reached by leaving the housing unit.

Each housing unit (wing) is manned by one officer who generally remains at a fixed post. A Floor Control Officer sits in a secure room in the center of the floor between the three housing units. This officer controls all doors opening onto the central core and monitors visiting, recreation and program areas. Two Activity Officers are shared by the three wings on first and second shift. These officers provide inmate escorts, relieve the wing officers and floor control officer when they take breaks, respond to codes, and assist with security checks, shakedowns, meals, and counts.

PROPOSED ALTERNATIVE:

Under this alternative the capacity of each wing would be reduced. In the North and East wings one two-level bank of cells would be removed to make room for an outdoor recreation area within the housing unit. Another, smaller, bank of cells would be removed on the main level to make room for a program area. Three video visiting booths would be added to each unit. A similar approach would be used in the South wings where probably two and a half dormitories would be removed and converted to these other uses. A drawing showing how this might be done is shown in the appendix for this section.

These steps do two things. First, they reduce the number of inmates in the north and east wings from a maximum of 96 to a maximum of 70. This smaller size makes it possible to operate each wing as a direct supervision unit using one officer. Because the south wings would still have over 100 inmates they would require two officers if they were operated as a direct supervision

⁷⁵ The West Wing of the KCCF has some attributes of direct supervision but lacks the clear sight lines and proximity to visiting, programs, and recreation that characterize modern direct supervision units.

units.⁷⁶ Second, by moving visiting, recreation, and program areas onto the unit, movement is greatly reduced. By minimizing movement it should be possible to operate all doors outside the wings by central control.

This alternative makes direct supervision housing floors at KCCF similar to those at the RJC where, among other things, the unit officer cannot be seen on a regular basis by any other officer. Consequently, like the RJC, officers at KCCF should be provided with duress alarms if this alternative is implemented.

CONCLUSIONS:

Where implemented, these changes would reduce the capacity of each floor by up to 84 beds over current DAJD capacity assumptions.⁷⁷ There are probably only two floors in the building that could be fully converted to direct supervision.

In the opinion of the OMP Team, if movement outside of the units were reduced to the extent made possible by these changes, all movement could be handled by central control. This, of course, would only be possible after completion of the ISP. Supervision of inmate activity in the core area would be reduced to times when inmates were moving. With other management changes like those discussed in Option 7 "Alternative Staffing of KCCF after Completing the ISP," the units could be run, and relieved, like double celled units at the RJC.

Because the inmate-to-officer ratio decreases under this option, there are no circumstances where this alternative reduces per-capita operating costs. This option is, however, a prerequisite for the most ambitious staffing ideas for the KCCF after the ISP is completed. (See Option 7, "Alternative Staffing of the KCCF after Completing the ISP")

FISCAL IMPACT:

If operated as a direct supervision unit, the south wing would require two officers. Staffing could be reduced if the south unit continued to be operated as an indirect supervision unit, but savings would accrue only if visiting, programs and yard-out occurred on the unit so that staffing of floor control could be avoided. The following table shows the OMP Team's recommendation for staffing of a KCCF floor converted to direct supervision in the manner described above.

⁷⁶ It should be noted that, even with creation of on-unit recreation, visiting, and program space, units modified for direct supervision would have significantly less open space for inmate activity than the RJC. This would be particularly true of the south dormitory wings. Much inmate activity would remain in the day-rooms for each pod.

⁷⁷ Actual capacity reductions would likely be determined through re-negotiation of capacity limits in the Hammer Settlement Agreement. Flexibility that exists in the current Agreement could be interpreted in ways that would result in fewer beds being lost than suggested by this analysis.

Staffing Plan for KCCF Floors Converted to Direct Supervision

Post	Current Operation			All Direct Supervision			N & E Direct Supv.		
	1st	2nd	3rd	1st	2 nd	3rd	1st	2nd	3rd
North	1	1	1	1	1	1	1	1	1
East	1	1	1	1	1	1	1	1	1
South	1	1	1	2	2	2	1	1	1
Activity Officer	2	2		1	1	1	1	1	1
Floor Control	1	1	1						
Total Posts	16			15			12		
FTEs	28.5			26.7			21.4		

At the 2004 average cost per correctional officer, these reductions in the number of FTEs to run a floor in the KCCF tower range from a low of about \$144,000 per year to a high of about \$568,000. However, these reductions in posts and FTEs are offset by the fact that floors converted to direct supervision house fewer inmates. At maximum capacity under current staffing there are 12.4 inmates per FTE. When the entire floor is operated under direct supervision there are 9.1; and when only the north and east wings are operated as direct supervision the ratio is 11.4 inmates per FTE. In other words, there are no circumstances under which this proposal results in reduced per-capita operating cost.

Capital costs have not been estimated for this alternative.

OTHER CONSIDERATIONS:

KCCF was not designed for direct supervision where inmates move with relative freedom throughout the unit. Careful attention will have to be paid to every feature of the units to identify any areas that need to be modified are made more secure.

Moving yard-out, visiting, and multi-purpose rooms into the wings vacates these spaces in the central core. One space could be used as a holding area for inmates being assembled for group moves to court or other destinations. It is unclear to what use the other spaces might be put.

It would not be appropriate to use the direct supervision model for inmates in high security housing units or for special populations such as administrative segregation or the acutely mentally ill. Reducing movement by these inmates is an appropriate goal, but doing so would not necessarily result in a reduction in staff.

Staff savings occur only if all wings on a floor have in-unit visiting, yard-out and program space. This is because, if any inmates use the core areas, the area must be supervised.

ILLUSTRATION OF HOW KCCF MIGHT BE CONVERTED TO DIRECT SUPERVISION

(For the purpose of public disclosure, this diagram is exempt under RCW 42.17.31(d).)

FACTORS AFFECTING CONSTRUCTION COST:

Demolition is not very expensive but there are some more costly items. Since these changes would not take place on all floors, plumbing from cells located above areas vacated for yard-outs or multi-purpose rooms would have to be rerouted. The extent of this could be reduced if the multi-purpose rooms in the north and east wings were confined to the existing dayroom space, rather than dayroom space plus cells as shown in the example above.

It is unlikely that the mezzanine floors that would be removed for the new yard-outs are integral to the seismic integrity of the building. If they are, significant costs might be experienced to compensate for their removal.

OPTION 6: FOOD SERVICE ALTERNATIVES

BACKGROUND:

DAJD operates a full service kitchen at each of its two adult detention facilities. Together they produce around three million meals per year.

The original design of the kitchen at the Regional Justice Center included quick-chill equipment for bulk preparation of food items that could be re-heated at the KCCF and other DAJD facilities. Current DAJD food service management believes this equipment is of limited use. It has rarely been used.

The question is: are there other alternatives, including use of existing cook/chill equipment, that would reduce the cost of meals at the DAJD facilities?

CURRENT PRACTICE:

The two kitchens operate nearly 24 hours a day seven days a week. DAJD employs 25 cook/bakers and two supervisors to cover this operation 365 days a year. Over the course of a week and the three shifts per day, about 120 inmates work in the kitchens.

Under current DAJD operations, raw food costs averaged 68.4¢ per meal for the four months ending October 2003. The 25 cooks and bakers and two supervisors add an estimated 53.3¢ per meal for a total cost of approximately \$1.22 per meal or about \$3.66 per inmate per day.

In technical review of this alternative the Office of the King County Auditor noted that the Adult Corrections Cost Model developed by the Auditor's office calculated a higher cost per meal. After some adjustments to make the basis for the calculations more equal, it appears that the Auditor's calculated cost per meal is about \$1.34.⁷⁸ The difference between the Auditor's estimate and the OMP estimate does not affect the conclusions for two of the three alternatives considered below. Further discussion is provided for the alternative where it does make a difference.

The baseline to which other alternatives should be compared is therefore between \$1.22 and \$1.34 per meal.

⁷⁸ The raw food cost per meal in the AC Cost Model was essentially identical to the 68.4¢ calculated by the OMP team but other costs were not. Part of the difference is attributable to different staffing levels used in the two calculations. The Auditor's calculation is based on 29.5 FTEs working in the KCCF and RJC kitchens, whereas the OMP calculation is based on the 27 FTEs working in late 2003 at the time the data were collected. In addition, the Auditor's cost model includes fixed and variable non-staff non-food costs and not included in the OMP calculation. The fixed costs include such things as miscellaneous equipment and maintenance and repairs. The variable non-food costs include such things as napkins, hairnets, laundry, cleaning products, etc. When all of these costs are included, the Auditor's estimate of cost per meal is \$1.38. The additional 1.5 FTEs used in the Auditor's estimate accounts for about 3.4¢ of this cost. Adjusting the Auditor's estimate to reflect the lower staffing used to produce the meals used in the OMP per meal calculation results in a cost per meal of about \$1.34.

PROPOSED ALTERNATIVES:

There were three alternatives considered by the OMP Team:

1. **Centralized kitchen at the RJC:** Maximize use of the cook/chill equipment at the RJC kitchen and operate the KCCF and juvenile detention kitchens as re-thermalization facilities,
2. **Purchase meals from the Washington State Department of Corrections (DOC):** Purchase meals already cook/chilled from the DOC, or
3. **Private vendor:** Use a private vendor to provide meals at both the RJC and the KCCF.

CONCLUSIONS AND FISCAL IMPACT:

Several general conclusions apply to all of the alternatives. First, no change in kitchen operation that requires increased deliveries through the loading dock at the KCCF should be attempted until after the ISP is completed in 2006. And second, DAJD provides inmates with two hot meals and a cold sack lunch every day.⁷⁹ Since sack lunches don't benefit from cook/chill, savings from cook/chill at DAJD might be less than what some other facilities have experienced.

Conclusions about individual alternatives are as follows.

1. **Centralized kitchen at RJC:** The RJC kitchen is a large, well laid out, facility. Although originally designed to be a cook/chill operation, it has not been used as such. It appears that the former DAJD food service manager was enthusiastic about the cook/chill process, but that when he retired some of the institutional memory and understanding of what the system is capable of was lost. The OMP consultant talked with Bill Manahan, of Manahan and Cleveland, the original food service consultant for the RJC. According to Manahan, the equipment installed is suitable for preparing a wide variety of foods in bulk quantities for re-heating at satellite kitchens. Manahan also reports that re-thermalization of the cook/chilled food does not require special equipment at the KCCF kitchen or special systems to deliver food to the inmate living units. Use of the equipment would require a small increase in staff at the RJC but an offsetting, and larger, decrease of staff at the satellite kitchens.⁸⁰

DAJD food service management does not believe the cook/chill equipment at the RJC is versatile enough to prepare more than a limited menu. Furthermore, in a cost-saving initiative several years ago, DAJD changed to sack lunches for all inmates - a menu that does not benefit from the use of cook/chill equipment.

Even with the use of cook/chill equipment there are food items that must still be prepared in the normal manner - salads and fresh fruit, for example. Other items, like baked goods, must either be purchased or baked locally. Items not prepared in bulk - like special diets - are also unsuitable for cook/chill in all but the largest institutions.

Changes in the economics of bulk food purchases may make it more economical to purchase meats rather than prepare bulk quantities in-house using the cook/chill method.

Manahan reports that the successful operation of a cook/chill kitchen requires a strong commitment on the part of the food service manager, special training of cooks and managers,

⁷⁹ Converting to cold lunches was a cost-saving initiative of DAJD in 2002 that, according to OMB, saves approximately \$100,000 per year.

⁸⁰ Personal communication between the OMP consultant and Bill Manahan, April 14, 2004

and careful attention to quality control. He says that the technical knowledge of how to use such systems is not widespread and that many institutional kitchens that have cook/chill equipment fail to use it.

Determination of the actual impact on staffing is quite technical and will require future review. However, if staff reductions can be achieved they would clearly reduce costs below the current baseline, by whatever method cost per meal is computed.⁸¹

2. Purchase meals from DOC: Correctional Industries at the Washington State Department of Corrections prepares packaged, cook/chilled meals at the Airway Heights Correctional Center near Spokane. These meals are delivered on contract to jails around the northwest, including several municipal jails in King County. The meals may be heated in conventional convection ovens or by microwave. They come packaged as individual meals in disposable recyclable containers, thereby reducing washing of pots, pans, and dishes.

While the General Manager for the DOC Office of Correctional Industries reported that the cost per meal varies greatly depending on what is requested by customers, the low-end costs are in the range of \$3.50 to \$4.00 per inmate per day. While the number of cooks and inmate workers is far less than that required in a full service kitchen, some staff are still needed. Consequently, it appears unlikely that purchasing meals from DOC would reduce costs below the current expenditures even if the higher cost per meal per day calculated by the Auditor is used.

3. Private vendor: In the Puget Sound area, Whatcom, Skagit, Snohomish, Pierce and Mason counties contract with Aramark, a \$9 billion a year multi-national firm that, among other things, provides food services to more than 400 correctional facilities in the North America. For example, Aramark has provided food service for the Multnomah County correctional facilities since 1990.

Pierce County is a relatively new user of Aramark. In the system used there, food is prepared by the cook/chill method, portioned onto individual trays, transported cold to housing units by kitchen staff, and heated by correctional officers in hot carts in the unit. Cold items, such as salads and fruit, are delivered to the unit at the same time and are added to the tray prior to serving.

In addition to regular meals, Aramark prepares eighteen types of special diets – such as diabetic, hypoglycemic, and religious. These are included in the basic per meal price structure.

Pierce County pays \$.78 per inmate meal and \$1.25 per officer meal. The higher cost of officer meals reflects, in part, the fact that none of the food preparation or serving of officer meals is done by inmates. Including officer meals, there are about 4,000 meals served per day in the Pierce County jails.

⁸¹ A cook/baker costs King County about \$58,000 per year. Between them, the two DAJD facilities employ 25 cook/bakers plus a Food Service Manager and Assistant Food Service Manager.

The Pierce County operation employs six county cooks, six Aramark cooks and two Aramark managers. There are 21 inmate workers per shift. The cost of the Aramark cooks and managers is included in the per meal cost charged by the vendor. If the county workers were paid the same as cook/bakers in King County, it would add about 25 cents per meal, bringing total costs to Pierce County to about \$3.09 per inmate per day or about \$1.03 per meal.⁸² This includes the cost of special diets but not the cost premium for officer meals.

Some adjustments must be made to the Auditor's AC Cost Model calculation to make it comparable to Aramark's contract with Pierce County. First, the cost of miscellaneous equipment and maintenance and repairs is not included in the Aramark contract while it is in the Auditor's cost model. This element adds about 2.8¢ to the per meal cost in King County. The OMP team was not able to ascertain if the variable non-staff non-food costs in the Auditor's calculation of King County costs are in the Aramark contract. If not, the King County costs must be adjusted downward by another 7.9¢ per meal to make them comparable to Aramark. This results in an adjusted cost of between \$1.23 and \$1.31 per meal.

The cost difference between the private vendor and DAJD's current experience therefore somewhere between 20¢ and 29¢ per meal. With an inmate population of 2,400, this amounts to a possible savings of \$526,000 to \$762,000 per year over current operations.

It should be noted that, according to the Budget Office, Aramark has inquired on several occasions about food service costs at DAJD facilities and has never returned with a proposal. This may suggest that Aramark has less certainty about reducing costs in King County than in other jurisdictions. In addition, Pierce County experienced logistical problems with the hot food carts in their old jail. Their new jail apparently does not have the same space problems. The county also initially had labor issues when correctional officers were asked to handle food.

As noted above, since DAJD serves cold sack lunches, cost savings from a private vendor might be less at DAJD than have been experienced at some other facilities.

OTHER CONSIDERATIONS:

The ISP will generate considerable traffic by the contractor through the fifth floor loading dock and corridors leading past the kitchen and to inmate elevators. The contractor will have dedicated space in the loading dock area to store a limited amount of materials and equipment. A significant increase in deliveries to the kitchen – as would be necessary under the alternatives discussed here – cannot take place until the contractor has completed the ISP and vacated the loading dock area. This will not happen until late summer 2006. Any change in food service operations would have to be delayed until then.

DAJD provides inmates with two hot meals per day – breakfast and dinner – and sack lunches in the middle of the day. This change, implemented several years ago, resulted in cost savings of over \$100,000 per year. However, since sack lunches do not lend themselves to cook/chill, the benefit of using cook/chill may be less at DAJD than can be experienced at other facilities.

⁸² Assuming a Pierce County jail population of 1,248 (the actual in-custody count on April 14, 2004) and an average cost per cook/baker of \$58,000 per year.

Successful operation of a cook/chill kitchen requires a strong commitment to the concept on the part of the food service manager, special training of cooks and managers, and careful attention to quality control.

Preparing bulk food at the RJC would require a new distribution system to deliver the product to the KCCF (and perhaps the juvenile facility). Cook/chilled food can be held for up to seven days without loss of taste, color or texture. Consequently, bulk deliveries could reduce the impact on delivery staff and vehicles.

The two kitchens at the DAJD adult facilities are the single largest source of jobs for inmates. As such, they contribute to reducing idleness in the facilities while building job skills for inmates. Conversion to either of the cook/chill alternatives mentioned here would likely result in a reduction of inmate jobs. It is unclear whether or not privatization of food service as a cook and serve operation would affect inmate employment.

Aramark has a program called "Inmate to Workmate." Through this program inmate food service workers at the jail receive a food service certificate from Aramark. The company periodically holds job fairs where food service employers can interview and hire Aramark certified food service workers to work at places with institutional food service. Some of the local venues where graduates of this program work include Key Arena, Seahawk Stadium, and Safeco Field.

OPTION 7: ALTERNATIVE STAFFING OF KCCF AFTER COMPLETING THE ISP

BACKGROUND:

The King County Correctional Facility tower was constructed as an indirect supervision facility. As such, correctional officers are usually separated from direct contact with inmates except when they are moving from place to place or when they go into housing units to conduct security checks. The physical design of the building, and the security electronics which it presently has, requires a level of staffing and a certain mode of operation from which it would be very difficult to depart without major changes in the building and in management philosophy.

During the day and evening there are six officers assigned to most floors in the KCCF tower: three housing unit officers, one Floor Control officer, and two Activity Officers. There are no Activity Officers on third shift.⁸³

The staffing pattern used by DAJD on inmate-occupied floors is required by the Hammer Settlement Agreement. During the day, officers in each housing unit are in what are known as "dedicated" or "continuous" posts. Under *Hammer*, officers in dedicated posts cannot leave their post except under "extreme emergencies;" officers in continuous posts may leave only in "specified emergency situations." Both dedicated and continuous posts are to be relieved during regularly scheduled breaks, such as meals. At night the posts in the North and East wings become "intermittent" posts. Intermittent posts "will not be staffed at all times and may be vacated without relief for routine breaks..."⁸⁴ Activity officer posts are always intermittent posts. *Hammer* does not require there be a Floor Control officer on each floor, only that "King County shall continue the operational functions currently performed by floor and central control."⁸⁵

While the staffing requirements in *Hammer* are very specific, given the physical design and current electronic security systems in the building, the OMP team believes there is nothing in these requirements that is inconsistent with sound correctional practice.

Major changes to the building are underway. The Integrated Security Project (ISP) will replace the security electronic systems with modern communications and control systems. Among other things, the ISP will give Central Control the ability to perform the communication and control functions that up until now only Floor Control can do.

There are 33 intermittent posts in the KCCF tower – 11 on each shift – plus five Floor Control officers. Since intermittent posts do not have to be staffed at all times, and only the function of Floor Control and not the post need be continued, the question is: after the ISP is completed, are there other ways that housing floors could be staffed that reduce costs but do not compromise the safety and security of the facility and its occupants?

⁸³ The 11th and 7th floors are somewhat different - the 11th because it has the highest security inmates and only two housing units, and the 7th because it houses most of the mentally ill inmates in secure detention.

⁸⁴ Hammer Settlement Agreement, Section 1, Paragraphs 6, 7 and 8

⁸⁵ Hammer Settlement Agreement, Section 2, Paragraph 2

CURRENT PRACTICE:

DAJD staffs the 33 intermittent posts in the KCCF tower with 33 people each day. With relief for days off and other absences, this requires 58.7 FTEs. Floor control is treated as a dedicated post which, with current security electronic systems, it must be. At night, when the pace of activity slows down, the wing officers whose posts have been switched from continuous to intermittent perform the duties of both wing officers and Activity Officers.

Most of these alternatives discussed below entail modification in how functions currently provided by Floor Control are delivered. The officers in Floor Control perform many critical functions, most of which no one else can do. These include:

- Opening doors into each housing unit, the recreation yards, inmate visiting, the multi-purpose room, the sally port to inmate elevators, and the sally port to elevator 1;
- Monitoring cameras that provide views of obscured corners of the recreation yards and multi-purpose rooms;
- Visual surveillance of non-contact visiting booths while visiting takes place;
- Coordination and direction of correctional officers responding to codes;
- Receipt and delivery of documents through the building's pneumatic tube system;
- Safekeeping, issuance, and logging of restraints, radios, and keys;
- Control of lights, telephones and televisions in housing unit dayrooms;
- Visual monitoring of housing unit officers.

The Floor Control room is several feet higher than the main floor level on each floor. This gives the Floor Control officer unimpeded views throughout the circulation areas in the core (including the elevator sally port) and into visiting. The Floor Control officer also has line-of-sight contact with the wing officer in each unit. Through direct observation and cameras, he or she supervises each yard-out and the multi-purpose room. Other portions of these areas are covered by camera, the views from which are monitored by Floor Control. The drawing at the top of the next page illustrates the relationship of Floor Control to housing units and to activities off the core.

Typical KCCF Floor – Showing Relationship of Floor Control to Other Functions

(For the purpose of public disclosure, this diagram is exempt under RCW 42.17.31(d).)

PROPOSED ALTERNATIVES:

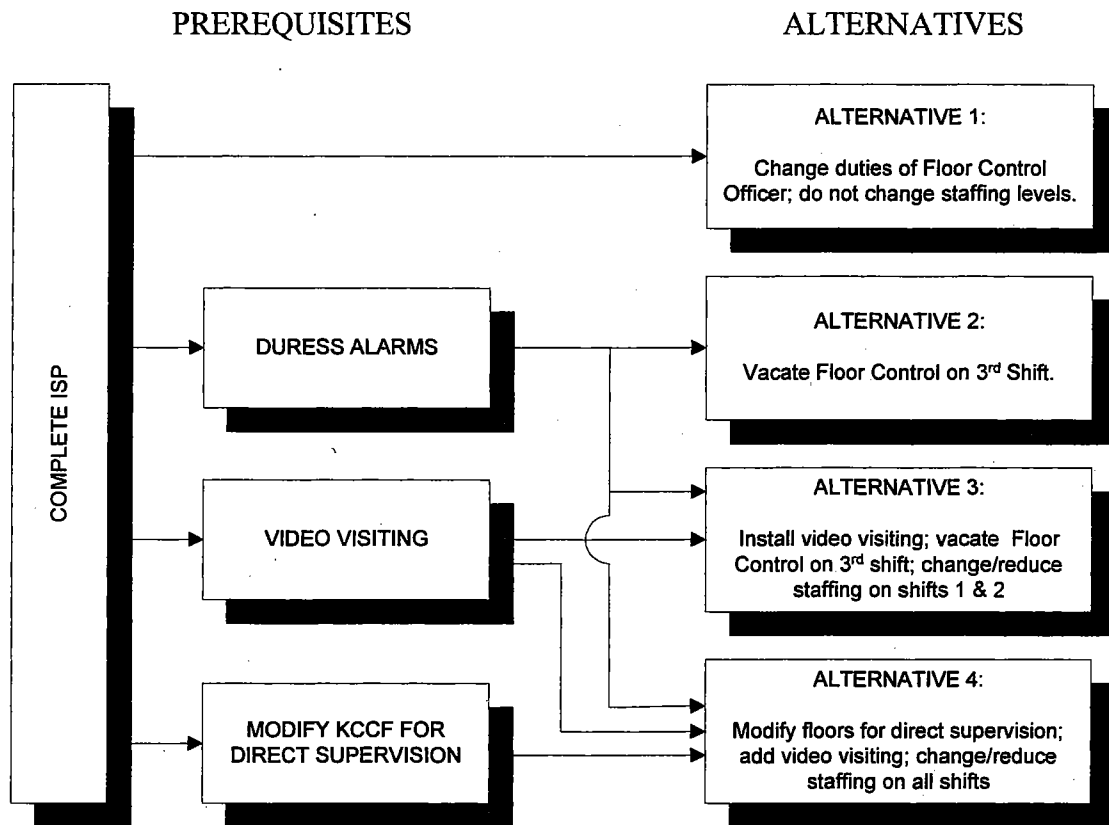
A range of alternatives is proposed for consideration.

1. Change the duties and responsibilities of the Floor Control Officer, but do not reduce staffing below current levels. Maximize use of new electronic systems. The intent of this alternative is to explore other ways of doing business that, with a completed ISP, may improve the safety, security, accountability, and effectiveness of jail housing operations.
2. Limit changes in staffing to the third shift.
3. Provide video visiting in the housing units to reduce surveillance responsibilities in the core; maximize use of new electronic systems; create a response and movement team to reduce the responsibilities of Activity Officers; convert the floor control post to a direct

supervision post with surveillance responsibilities in the core; reduce the number of Activity Officers; and vacate floor control on the third shift.

4. Make modifications to housing units to convert most of KCCF to direct supervision with a minimum of inmate movement outside the housing units; vacate floor control on all shifts.

Some of these alternatives involve other changes in operation or current facility design. These are as shown in the following figure:



DETAILED DESCRIPTIONS OF ALTERNATIVES:

1. *Change the duties and responsibilities of the floor control officer to a Core Officer, but do not reduce staffing below current levels. Maximize use of new electronic systems. The intent of this alternative is to explore other ways of doing business that, with a completed ISP, may improve the safety, security, accountability, and effectiveness of jail housing operations.*

The primary change proposed here is to make Floor Control a non-fixed post called a Core Officer. The primary duties are to support activities that occur in the core area of each floor. This is the area just outside the floor control booth that leads into the housing units, elevators, yard-outs, multi-purpose room, visiting, and other functions. Certain functions, such as checking radios and keys in and out at the end and beginning of every shift, would remain unchanged. Otherwise, the Core Officer would usually not be in the control booth and would directly support the housing unit officers by providing inmate supervision in the core. At such times the remote operation of doors on the core would be taken over by Central Control and the Core Officer would communicate with Central and others by radio. When inmates

were in any of the activity areas off the core, the Core Officer would not respond to codes. If the code were on his or her floor, the Core Officer would act as the manager of the code, either from inside the Floor Control Room or from a position on the floor.

Changes in how staff are deployed under this alternative are illustrated in the following floor plans.

CURRENT STAFFING

ALTERNATIVE 1

(For the purpose of public disclosure, these diagrams are exempt under RCW 42.17.31(d).)

To reduce the use of the pneumatic tube system, visiting slips would no longer be tubed to the floor. Either the information, or an image of the visiting slip, would be sent electronically to the wing officer who would alert the inmate that he or she has a visitor. Use of the tube system would be restricted to things like documents needing signature. When items were delivered to the floor through the tube system, the Core Officer would enter the Floor Control Room and retrieve the document for distribution as usual. Doors to the Floor Control Room would be opened by Central Control. Alternatively, changes could be made to the tube system so that documents were delivered to a receiving unit in the wall of the Floor Control Room – much like systems used for drive-through banking. Opening the cover door to the receiving unit might be a function programmed into officer ID cards.

To minimize the need to open and close doors, use of controlled movement would be maximized. Inmates going to yard-out or the multi-purpose room would be escorted in scheduled groups. Although this is reportedly what is already done, strict adherence to the policy should be practiced. Stragglers should be made to wait for the next rotation of their unit through these areas. This leaves going to visiting as the most frequent intermittent movement on the floor.

When all inmates are in the units – such as during meals and counts – the Core Officer could assist in the units, provide relief to officers on break, respond to codes, or perform any other duties needed in the building.

Because Floor Control would no longer act as a dedicated post, there would be one less hour of relief on each floor for other officers to cover.

2. *Limit changes in staffing to the third shift.*

Turn over Floor Control communication and control functions to Central Control on the third shift. Continue to operate the tower with the same staffing as has historically been used on first and second shift.

Since this proposal would eliminate the one person who can see the wing officers and call a code if the officer is in trouble, officers at KCCF should be provided with duress alarms.⁸⁶ Duress alarms are used at the RJC where the officer in a single celled unit is never routinely observed by another officer. At KCCF the new security electronics could be programmed to activate a pan-tilt camera to scan the unit when a duress alarm was activated.

On the third shift, officer posts in the North and East Wings on each floor are what are known as “intermittent posts.” This is a *Hammer* designation which means that the officer does not always have to be present and does not have to be relieved (replaced) when on regular breaks. Because they are intermittent posts, the officers in the North and East Wings are used to relieve the two dedicated posts on the floor: Floor Control and the South Wing officer. They also provide escorts and other off-floor functions – including responding to codes – throughout the shift.

While in the unit, the wing officers monitor intercom call buttons from each cell and, by universally accepted practice in correctional organizations, perform security checks – including visually observing every inmate – at least once an hour.⁸⁷ When a call is made from the cell the officer communicates with the inmate by intercom and takes whatever steps are needed. Calls may be made for medical reasons, if there is an altercation or assault in a cell, or for other reasons. When the wing officer is out of the unit, monitoring of call buttons is turned over to Floor Control. For a single unit this can be up to 48 cells. For two units – the maximum that can occur at any one time – it can be up to 96 cells.

When a code red (fight or assault) is called, all available officers are expected to respond. Assuming that the incident is in a living unit, up to nine wings at a time may have no officer present. This means that one officer in Central Control must call the code, call 911 (if necessary), direct traffic, open and close doors, communicate by radio with responding officers, and otherwise manage the response to the code. Meanwhile, the second Central Control Room officer must monitor up to 480 call buttons. If the proposed major remodel of ITR takes place, this second officer will also be simultaneously performing all communication and control functions for ITR.

⁸⁶ Duress alarms are automatic call buttons to signal to others that help is needed. They are often worn under the epaulet on the shoulder.

⁸⁷ Observations are done at much more frequent intervals for certain inmates – such as those under mental health observation.

If nothing happens, monitoring 480 call buttons is no different than monitoring one call button. There are often long stretches of time during the night when there are no calls. Furthermore, if a call comes in to Central Control that is a non-emergent matter, it can wait. However, if a call requires another code to be called, the second Central Control Room officer must now manage that code. When that happens, the monitoring function takes a subordinate roll. While this scenario is rare, it can and will happen.

It is also possible that inmates may discover that no one is watching and simply decide to make things difficult for the Central Control Room officers by launching numerous calls. It is possible that an officer could be overwhelmed or sufficiently distracted by this to miss other critical situations. This could be planned or even spontaneous.

The OMP team believes that, with post-ISP technology, two officers in Central Control will be able to handle these contingencies. If experience proves otherwise, it might be necessary to add a third Central Control Room officer on the night shift.

Current and alternative third-shift staffing for inmate-occupied floors is shown in the following tables.

Current 3rd Shift Staffing for Housing Operations

Floor	Floor Control	North	East	South	Central Control	Total Posts ⁸⁸
11	1	1	1			3
10	1	1	1	1		4
9	1	1	1	1		4
8	1	1	1	1		4
7	1	1	1	1		4
5					2	2
Total	5	5	5	4	2	21
					FTEs ->	37.38

Proposed 3rd Shift Staffing for Housing Operations under Alternative 2

Floor	Floor Control	North	East	South	Central Control	Total Posts
11	0	1	1			2
10	0	1	1	1		3
9	0	1	1	1		3
8	0	1	1	1		3
7	0	1	1	1		3
5					2	2
Total	0	5	5	4	2	16
					FTEs ->	28.48
					Difference ->	8.9

Changes in staffing under this alternative are illustrated in the following floor plans.

⁸⁸ Seven day posts are converted to FTEs using a 1.78 relief factor.

(For the purpose of public disclosure, these diagrams are exempt under RCW 42.17.31(d).)

If a third officer is needed in Central Control, staff savings would be reduced by 1.8 FTEs. At the 2004 estimate of fully burdened cost per correctional officer of \$79,948, this difference – if feasible – represents a savings of approximately \$568,000 to \$712,000 per year.⁸⁹

- 3. Provide video visiting in the housing units to reduce surveillance responsibilities in the core; maximize use of new electronic systems; create a response and movement team to reduce the responsibilities of Activity Officers; convert the floor control post to a direct supervision post with surveillance responsibilities in the core; streamline the delivery of food carts to the living units; reduce the number of Activity Officers; vacate floor control on the third shift; provide all officers with duress alarms.*

This alternative incorporates all of the changes proposed in alternatives 1 and 2 plus it moves visiting from a core function to a unit function by changing to video visiting.

The importance of video visiting to this alternative is two-fold. First, visiting generates a lot of traffic in and out of the wings. By eliminating this traffic the workload of opening and closing doors by Central Control is greatly reduced. Second, surveillance of visiting demands a great deal of attention. Since the Core Officer under this staffing plan is moving from place to place within the core, there are times when inmates are not being observed. Removing

⁸⁹ The cost of duress alarms is not factored into this estimate of savings.

visiting from the core allows the officer to focus his or her attention on a more manageable number of places.⁹⁰ There may be acceptable ways to implement video visiting without losing bed capacity in any of the units. If not, a logical place is in the small (three-cell) pods commonly referred to as "lower A." Recovery of this lost capacity may be possible without compromising the capacity limits imposed by the Hammer Settlement Agreement. Details about video visiting can be found in the discussion for Option 8, "Technology."

There are several ways the responsibilities of Activity Officers are reduced by this alternative. First, the response and movement team would have primary responsibility for escorting inmates within the building – to court, to clinic, to transfer or release, and for housing re-assignment. In addition, the response and movement team will be first responders to all codes in the building. These functions are currently performed by Activity Officers.⁹¹ Second, under current operations, two activity officers from each floor make multiple trips to deliver and return food carts before and after each meal. To improve the efficiency of meal delivery, a single officer would be used to supervise inmates as they delivered food carts to each unit. By reducing the workload of Activity Officers, this alternative cuts the number of Activity Officers in half.

The response and movement team proposed in this alternative would perform other duties, such as cell searches or assisting in the units, when not providing escort services or responding to codes.

Since changes under this alternative eliminates the one person who can see the wing officers and call a code if the officer is in trouble, officers at KCCF should be provided duress alarms.⁹² Duress alarms are used at the RJC where the officer in a single celled unit is never routinely observed by another officer. At KCCF the new security electronics could be programmed to activate a pan-tilt camera to scan the unit when a duress alarm was activated.

Current staffing for housing unit operations is shown in the next two tables.

Current Staffing for KCCF Tower Housing Unit Operations – 1st and 2nd Shift

Floor	Floor Control	Activity Officer	North	East	South	Central Control	Total Posts
11	1	2	1	1			5
10	1	2	1	1	1		6
9	1	2	1	1	1		6
8	1	2	1	1	1		6
7	1	2	1	1	1		6
5						2	2
Total	5	10	5	5	4	2	31
						FTEs ->	55.18
						Times two shifts =	110.36

⁹⁰ Surveillance of video visiting is done by staff in the public video visiting room. Staff monitor both the inmate and visitor screen images. If inappropriate behavior is observed the visit can be terminated immediately.

⁹¹ Activity Officers not engaged in critical tasks would still be able to respond to codes – they just wouldn't be first responders.

⁹² Duress alarms are automatic call buttons to signal to others that help is needed. They are often worn under the epaulet on the shoulder.

Current Staffing for KCCF Tower Housing Unit Operations – 3rd Shift

Floor	Floor Control	Activity Officer	North	East	South	Central Control	Total Posts
11	1	0	1	1			3
10	1	0	1	1	1		4
9	1	0	1	1	1		4
8	1	0	1	1	1		4
7	1	0	1	1	1		4
5						2	2
Total	5	0	5	5	4	2	21
						FTEs ->	37.38

Altogether, over three shifts, housing operations in the KCCF tower currently require 147.7 FTEs.

On the first and second shift, alternative 3 proposes that Floor Control be vacated most of the time and that a Core Officer be assigned to the core area whenever inmates are present. Instead of having one Core Officer and one Activity Officer on every floor, some Activity Officers would float between floors, providing the equivalent of 1.5 FTEs per floor on the first and second shift. In addition, a four person response and movement team is created. The net effect of these changes is to *increase* the number of officers in the core and on the wings by 1.5 FTEs. Where once there were 10 Activity Officers, there are now 7.5 Core and Activity Officers plus four Response and Movement Officers. What is different is that door operations on the first and second shift are handled by Central Control rather than Floor Control. Despite reducing movement through adding video visiting, this alternative adds significant workload to the Central Control Room. Consequently, a third CCR Officer is added on these two shifts. The table below shows an example of how staffing might look under this alternative.

Example of Staffing for KCCF Tower Housing Operations
Using a Response and Movement Team on 1st & 2nd Shift

Floor	Floor Control	Core Officer	Activity Officer	North	East	South	Central Control	Total Posts
11	0	1.5	1	1				3.5
10	0	1.5	1	1	1			4.5
9	0	1.5	1	1	1			4.5
8	0	1.5	1	1	1			4.5
7	0	1.5	1	1	1			4.5
5							3	3
Subtotal	0	7.5	5	5	4	3		24.5
Response and Movement Team								4
Total posts								28.5
						FTEs per Shift ->		50.73
						Times two shifts ->		101.46

Changes in staffing levels on a typical floor are illustrated in the following floor plans.

CURRENT STAFFING

ALTERNATIVE 3

(For the purpose of public disclosure, these diagrams are exempt under RCW 42.17.31(d).)

Under this alternative, changes to the third shift would be the same as for alternative 2. Over the course of a day, housing unit operations are performed by 16.0 to 17.8 fewer FTEs – 8.9 over the course of the first two shifts, and 7.1 to 8.9 of shift 3. At a fully burdened cost per correctional officer of \$79,948, this difference represents a savings of \$1,279,000 to \$1,423,000 per year. (The cost of duress alarms and of installing video visiting are not factored into this calculation of savings. If adding video visiting to the housing units resulted in loss of capacity, replacement of this capacity elsewhere could reduce annual savings.)

4. *Make modifications to housing units to convert most of KCCF to direct supervision with a minimum of inmate movement outside the housing units; adjust unit capacity assumptions within Hammer limits to minimize loss of cells; vacate floor control on all shifts; provide all officers with duress alarms.*

This alternative incorporates all of the changes proposed in alternatives 1, 2 and 3 plus it moves yard-out and multi-purpose rooms from the central core to locations inside the living units. Based on current DAJD capacity limit practices, on the floors where it was implemented, doing this would result in the loss of up to 26 beds in each of the north and east wings, and up to 32 beds in each dormitory. Movement outside the units would be reduced to trips to court, clinic, infirmary, and ITR for transfer or release. Details of how this alternative might be implemented can be found in the discussion for Option 5, "Remodel KCCF for Direct Supervision."

There are two ways to look at this alternative: 1) maximize direct supervision within the KCCF tower, and 2) limit the use of direct supervision to those areas where such a change can also produce staffing efficiencies.

As shown below, staffing efficiencies occur only if direct supervision can be implemented on the entire floor. Furthermore, direct supervision, as a management style, is not appropriate for all floors. Floor 11, which is used for maximum custody inmates, works best as an indirect supervision floor. The same goes for the North wing on floor 10 which is used for administrative segregation. The North and East wings on Floor 7, which house the acutely mentally ill, have their own challenges.

The following table shows where direct supervision would likely be an appropriate management style. The first set of columns, labeled "Maximize Direct Supervision," shows the wings where, in the opinion of the OMP team, direct supervision would work as a management style. The second set, labeled "Promote Staffing Efficiencies," show where direct supervision is an appropriate management style and where it is also likely to promote staffing efficiencies.

Possible Direct Supervision Units in the KCCF Tower

Floor	Maximize use of Direct Supervision			Promote Staffing Efficiencies		
	North	East	South	North	East	South
11	No	No	-	No	No	-
10	No	Yes	Yes	No	No	No
9	Yes	Yes	Yes	Yes	Yes	Yes
8	Yes	Yes	Yes	Yes	Yes	Yes
7	No	Yes ⁹³	Yes	No	No	No

The baseline to which these alternatives are to be compared is the current practice of DAJD. The following table shows how DAJD sets capacity limits on housing units in the KCCF Tower to meet the overall limit of 1,262 required by the Hammer Settlement Agreement.

KCCF Tower Capacity – Current Practice

Floor	North	East	South	Infirmary	Total
11	48	48	-		96
10	48	96	136		280
9	92	96	136		324
8	96	96	136		328
7	48	48	112	26	234
Total	332	384	520	26	1,262

If the maximum number of units were modified for direct supervision, KCCF Tower capacity would likely look like the following:

⁹³ Double celling 7 East is only possible if Jail Health Services is successful at reducing the number of inmates under mental health observation from two units to one unit.

KCCF Tower Capacity – Maximum Use of Direct Supervision

Floor	North	East	South	Infirmary	Total
11	48	48	-		96
10	48	70	104		222
9	70	70	104		244
8	70	70	104		244
7	48	70 ⁹⁴	112	26	256
Total	284	328	424	26	1,062
					Difference from <i>Hammer</i> Capacity 200

There are fewer cells lost if direct supervision is confined only to floors where the entire floor becomes direct supervision. In addition, since some units otherwise suitable for direct supervision are not physically changed, it should be possible to increase their designated capacity without exceeding *Hammer* limits. Under these circumstances the KCCF Tower capacity might look something like the following:

KCCF Tower Capacity – Maximize Staffing Efficiency Using Direct Supervision

Floor	North	East	South	Infirmary	Total
11	48	48	-		96
10	48	96	160		304
9	70	70	104		244
8	70	70	104		244
7	48	96 ¹¹	112	26	282
Total	284	380	480	26	1,170
					Difference from <i>Hammer</i> Capacity 92

Note that, in the second example, that the capacity of the dormitory on 10 South is increased from 136 to the *Hammer* maximum of 160. In addition, 7 East is increased from single cells to double cells. Together these increases – which are within the limits set by *Hammer* - offset some of the bed losses resulting from conversion of floors eight and nine to direct supervision.

On every floor entirely converted to direct supervision, the KCCF could be staffed in the same way that housing units at the RJC are staffed. The North and East Wings, with capacity reduced to no more than 70 inmates, would be staffed by a single officer. This officer would be responsible for all housing unit duties performed in the past, plus supervision of yard-out, visiting, and activities in the on-unit multi-purpose room. In the South Wing, where the inmate population could be as high as 104, two officers would be required. One officer would be needed to provide relief for breaks for the four housing unit officers. Since this is not a full-time assignment, this officer would provide escort services and assist in other ways when not providing relief. This reduces the number of posts on floors that are entirely converted to direct supervision from six to four.

⁹⁴ Assumes Jail Health Services is successful at reducing the number of inmates under mental health observation from two units to one unit.

If sick call can be provided on the unit (perhaps by making the multi-purpose room or yard-out shown in Option 5, "Remodel KCCF for Direct Supervision," somewhat smaller), there would be no need – or at least reduced need – for triage officers. There are currently two triage officers on first and second shift, seven days per week.

By eliminating all reasons to be in the core area except to move off the floor, this alternative eliminates the need for a Core Officer. In addition, with significantly less movement, staffing in the Central Control Room is reduced from three officers (under alternative 3) back to two. With sick call in the units, the number of triage officers is reduced from two to one. An example of a staffing plan for first and second shift under this alternative is shown in the following table.

Example of Staffing for KCCF Tower Housing Operations after Modifying Units on Floors 8 and 9 for Direct Supervision and Adding a Response and Movement Team - 1st & 2nd Shift

Floor	Floor Control	Core Officer	Activity Officer	North	East	South	Central Control	Total Posts
11	0	0.5	1	1	1			3.5
10	0	0.5	1	1	1	1		4.5
9	0		1	1	1	1		4
8	0		1	1	1	1		4
7	0		1	1	1	1		4
5							2	2
Subtotal	0	1	5	5	5	4	2	22
Response and Escort Team								4
Triage officer								-1
Total posts								25
							FTEs per shift ->	44.5
							Times two shifts ->	89.0

Changes in staffing levels on a typical floor are illustrated in the following floor plans.

(For the purpose of public disclosure, these diagrams are exempt under RCW 42.17.31(d).)

Under this alternative, changes to the third shift would be the same as for alternative 2 – a reduction of four to five posts (7.1 to 8.9 FTEs). Over the course of a day, housing unit operations are performed by 28.5 to 30.3 fewer FTEs – 21.4 on shifts one and two, and 7.1 to 8.9 of shift 3. At a fully burdened cost per correctional officer of \$79,948, this difference represents savings of \$2,279,000 to \$2,422,000 per year. (The cost of duress alarms, physical modifications and lost capacity not factored into this estimate of savings).

Alternative 4 does, however, reduce capacity in the KCCF by 92 to 200 beds below *Hammer* limits. If this capacity were replaced by building additional housing units at the RJC, it would require about 1.4 to 3.1 64-bed housing units. Each unit requires 5.34 FTEs. In addition, there are 10 posts or 17.8 FTEs for relief and escort officers that are shared by the 14 units at the RJC. If the same ratio of relief and escort officers was provided for new housing units, providing 92 to 200 additional beds at the RJC would require an additional 9.3 to 20.5 FTEs. At an average 2004 cost per correctional officer of \$79,948, this represents an increase in cost of \$745,000 to \$1,639,000 offsetting some of the savings generated by this alternative.

If used to maximize use of direct supervision, this alternative has a project net savings of \$640,000 to \$783,000 without loss of overall system capacity. If used to maximize staffing efficiencies, this alternative has a projected net savings of \$1,534,000 to \$1,677,000 without loss of capacity.

It should be noted that housing units at the KCCF were never intended to be run as direct supervision units. Careful attention would have to be paid to every feature within each housing unit to determine its suitability for direct supervision. Incompatibilities or weaknesses found would have to be eliminated. This might have capital cost implications.

Since changes under this alternative eliminate the one person who can see the wing officers and call a code if the officer is in trouble, officers at KCCF should be provided duress alarms.⁹⁵ Duress alarms are used at the RJC where the officer in a single celled unit is never routinely observed by another officer. At KCCF the new security electronics could be programmed to activate a pan-tilt camera to scan the unit when a duress alarm was activated

SUMMARY OF MAJOR CONCLUSIONS:

A decision to change staffing in the manner suggested by most of these alternatives is not entirely under the control of DAJD. The Hammer Settlement Agreement requires that changes of the nature discuss here be reviewed by counsel for the *Hammer* Plaintiffs.

The ISP will provide DAJD with new ways to operate the KCCF. Some of those ways may create efficiencies and save money. However, even if there are no savings, there will be improvements that should enhance safety and security, improve officer efficiency and effectiveness, and create opportunities for innovation.

The most ambitious alternatives outlined in this option are the most complex and consequential options in the OMP. Changing operations as proposed here, or in similar fashion, is not something that should be undertaken lightly or precipitously. If any of these alternatives are to work at all, they will require testing, evaluation and refinement, extensive staff training, and incremental implementation.

Such changes would also require changes in labor agreements since the duties of officers associated with housing unit operations would be different.

No change in how the KCCF tower is operated can be contemplated until after the ISP has been substantially completed. Any benefits from a change in operations should not be expected before 2006, perhaps later.

Neither DAJD nor anyone else has ever tried operating the KCCF tower in the manner proposed here. The OMP team believes, but does not guarantee, that after the ISP it will be possible to operate the tower with fewer staff. Given this uncertainty, and given that any change in operation will presumably occur under a new DAJD administration that has not participated in OMP planning and analysis, the OMP team strongly advises that any change be started on a trial basis on a single floor and be expanded gradually only if successful. In particular, the OMP team cautions policy makers to refrain from de-funding positions until it is clear that operation without them does not compromise the safety and security of the facility and its occupants.

⁹⁵ Duress alarms are automatic call buttons to signal to others that help is needed. They are often worn under the epaulet on the shoulder.

SUMMARY OF FISCAL IMPACTS:

There is no fiscal impact for alternative 1.

If feasible, alternative 2 would reduce staffing on the third shift by four to five posts (7.1 to 8.9 FTEs). At a fully burdened cost per correctional officer of \$79,948, this difference represents a savings of \$568,000 to \$712,000 per year. The cost of duress alarms would reduce savings from this alternative in the first year.

Alternative 3, which adds video visiting, has a capital cost that has not yet been estimated. If feasible, housing unit operations would be performed by 16.0 to 17.8 fewer FTEs. At a fully burdened cost per correctional officer of \$79,948, this difference represents a savings of \$1,279,000 to \$1,423,000 per year. The cost of video visiting and of duress alarms would reduce savings from this alternative during the first years. If bed capacity were reduced through use of video visiting, the cost of replacing it elsewhere could reduce annual savings.

Alternative 4 has capital costs for adding video visiting and converting parts of each wing to yard-out, multi-purpose, and sick call areas. These costs have not yet been estimated. If feasible, alternative 4 has the potential to save 28.5 to 30.3 FTEs. At a fully burdened cost per correctional officer of \$79,948, this reduction represents a savings of \$2,279,000 to \$2,422,000 per year. This savings comes at the expense of reducing capacity in the KCCF Tower by 92 to 200 beds. If this concept is used to maximize staffing efficiencies, offsetting this loss by new construction at the RJC would reduce operating cost savings to \$1,534,000 to \$1,677,000 per year. Savings would be less if this alternative were used to maximize direct supervision regardless of how it impacted staffing. The cost of video visiting and duress alarms is not included in these estimates of savings. While capital costs have not been estimated, it is possible that this alternative – particularly if used to maximize staffing efficiency – might be self-financing over time.

OTHER CONSIDERATIONS:

A decision to change staffing as proposed in alternatives 1, 2, or 3 is not entirely under the control of DAJD. The Hammer Settlement Agreement states that “It is within King County’s discretion to amend the KCCF staffing plan from time to time as circumstances change. If King County reduces the number of control positions or the positions set forth in the staffing pattern [currently used by DAJD]... it shall notify the *Hammer* Plaintiffs’ counsel of the change, the reason for the change, and the effective date of the change. Any review of such a decision to reduce the number of positions shall be limited to whether the reduction in positions will prevent King County from providing the post coverage indicated for those posts designated as ‘Dedicated’ and ‘Continuous,’ or in the case of control positions, whether the operational functions currently performed by floor and central control officers are continued. This Settlement Agreement shall not be construed to prohibit King County from redeploying central and control posts; provided, the operational functions currently performed by floor and central control officers are continued.”⁹⁶ The changes discussed here would be subject to such review.

Floors 7 (med/psych) and floor 9 (receiving) are the busiest inmate floors during the third shift. Eliminating floor control on the third shift may prove more difficult on these floors than elsewhere in the building.

⁹⁶ Hammer Settlement Agreement, Section 2, Paragraph 2

In much of the discussion about the alternatives put forth in this section, caution in implementing changes in staffing made possible by the ISP was repeatedly emphasized. The OMP team strongly believes that testing on a small scale and incremental expansion of proven alternatives is needed. This approach has its own set of considerations.

Successful demonstration of alternative staffing through use of ISP technology is not a forgone conclusion. Success will require commitment on the part of senior management, correctional supervisors, and the correctional officers involved in the testing to problem-solve in creative ways when obstacles are encountered. And obstacles will be encountered. The following is an example of an unsolved problem relating to not having Floor Control staffed on the third shift.

Some Classification Counselors work on the third shift – particularly on the intake (9th) floor. They call out individual inmates from their living unit to be interviewed in a small office located off the corridor leading to one of the wings. During interviews, the standard procedure is to leave the door to this office open. The Floor Control Officer, if present, is looking directly at this office; which is located no more than 20 feet away. As discussed elsewhere, except under emergency conditions, Central Control functions should be limited to monitoring the perimeter of the building and operating doors and elevators. This means that, without Floor Control, no one is watching the Classification Counselor as he/she works with an inmate. How can this problem be solved? Are there other ways or other places where this function can be accomplished without adding staff? Workable solutions to this and other problems can be found only if the people involved are dedicated and creative in their commitment to try new ideas.

Other factors raised in the discussion about vacating Floor Control on the third shift apply to most of the alternatives considered in this option as well. For example, can three people in Central Control on first and second shift perform all normal Central Control functions *plus* the communication and control functions normally provided by five Floor Control officers? And if Alternative 4, which modifies housing units in the KCCF tower to direct supervision, is implemented, can *two* Central Control officers perform these functions?

Under Alternative 3, where visiting is moved from the core to the housing units, can Core Officers respond to codes if there are inmates in the recreation yards or multi-purpose room? If not, are there enough responders available? If they can respond, how are inmates in the recreation yards and multi-purpose rooms monitored? There are cameras that view these areas that can be routed to Central Control, but there are three or four areas on every floor that would have to be monitored. Can this be done while Central Control continues to monitor the perimeter, provides surveillance of operations in ITR, and coordinates response to the code?

Who manages the response team when a code is called under Alternatives 2? This has historically been a function of Floor Control – an officer perfectly situated to be the manager of codes on his or her floor. (A member of the Response and Movement Team would perform this function under Alternatives 3 and 4.)

It was reported that duress alarms considered by DAJD in the past used the same frequency as the wireless computers at the KCCF wing officer stations. This, and any other technical problems (such as transmission dead spots), would have to be addressed.

The staffing plans proposed under alternatives 2, 3, and 4 can be interpreted as a change in working conditions and, as such, would be subject to collective bargaining.

The floor control rooms, while used much less under all of the alternatives discussed here, provide backup capability for most central control functions in case central control goes down.

OPTION 8: TECHNOLOGY

There are four subjects covered in this section:

- Office of Information Resource Management (OIRM) Criminal Justice Integration Projects
- Video Visiting
- Video Court, Telemedicine, and Applications Software
- Network Infrastructure Optimization Project

These subjects are discussed sequentially in the pages below.

OIRM Integration Projects

BACKGROUND:

In a collaborative effort involving all King County justice agencies⁹⁷, the Officer of Information Resource Management (OIRM) proposed, and is gradually implementing, a number of projects to improve the availability and sharing of information within and between justice agencies. DAJD is identified as the primary beneficiary in three of the top ten initiatives identified in the July, 2002 *Law, Safety and Justice Strategic Integration Plan*. These are:

- Electronic submission of booking documents,
- Improved access to information needed in the classification process, and
- Improved access to information needed to determine inmate program eligibility.

The cost/benefit analysis in the *Integration Plan* estimated savings from these three initiatives of more than \$1,000,000 per year. Intangible benefits, such as improved services to municipal justice agencies in the county, were also identified in the plan.

CURRENT PRACTICE:

In each of the three areas listed above, DAJD staff rely on multiple, stand-alone, databases to access information used in their everyday work. These activities often include different people accessing the same information at different times and different people manually entering the same information in separate databases. Many of the electronic applications used in booking, classification, and programming decisions were developed decades ago. Some are written in programming languages (e.g. COBOL) that are no longer taught in university courses and for which there are fewer and fewer experienced programmers still working.

Different law, safety and justice agencies use different identification numbers. Some of these, like the police case number and court case number, are manually keyed into DAJD databases. Based on past research done by the OMP consultant, there appears to be little quality control on the reliability and consistent entry of these numbers. Case numbers tend to be long and intrinsically meaningless. Unless someone uses these numbers on a regular basis there is little incentive to promote accuracy. This can complicate matching records of different agencies.

⁹⁷ The Strategic Integration Plan was developed with the participation of representatives from King County Superior Court, King County District Court, the Department of Judicial Administration, the Prosecuting Attorney's Office, the Officer of the Public Defender, the King County Sheriff, and DAJD.

OMP DISCUSSION:

There are abundant opportunities for improved data systems in DAJD. In addition to integration issues, there are many applications that could make DAJD more effective, efficient, and better able to respond to internal and outside requests that are data dependent. There are not, however, many areas where information technology can be expected to produce staff savings.

Housing operations, which requires more correctional officers than any other DAJD function, can be made more efficient through the kinds of security technology being implemented in the ISP. Other sections of the report address possible efficiencies related to ISP improvements (See Option 4, "Changes to the First Floor of the West Wing" and Option 7, "Alternative Staffing of KCCF after Completing the ISP."). Housing operations can be improved – but not made more staff efficient – through new applications software. For example, paper logs kept by each wing officer should be made electronic. Important entries should be done on-line in a structure way so that the information is captured as data. Narrative reports should typed into the computer, not written by hand in a log book. Passing of information – such as counts, court call-outs, and visitor slips – should electronically reach all people who need it.

These changes would improve documentation, accuracy of information, and accountability – but they would not reduce staffing for housing operations. Other critical functions – such as monitoring inmate activity in the living units – require that an officer be present.

Areas where information technology may result in staff efficiencies are Intake/Transfer/Release (ITR), Court Detail, and classification.

Intake/Transfer/Release

The first LSJ Integration initiative to be implemented at DAJD will be electronic hand-off of information provided by law enforcement at the time of booking. One of the documents used by all law enforcement agencies in the county is called the Superform. Currently, paper copies of the Superform are presented to the booking officer who then manually re-enters the information. However, most Superforms in the county exist in electronic form with the originating agency. In the case of the Sheriff, for example, the Superform is generated by infrared transmission from a laptop database to a printer. Integration would result in the electronic sharing the data already collected by the law enforcement agency.

Other data sharing is planned for this initial project. The following electronic data exchanges are part of the project scope:

1. Booking handoff from KCSO to DAJD
 - Exchange of Superform data
 - Exchange of Certification of Probable Cause data
 - Data exchange performed between IRIS and SIP/SeaKing
2. Booking handoff from other police to DAJD
 - Exchange of Superform data
 - Exchange of Certification of Probable Cause data
 - Data exchange performed between police RMS system and SIP/SeaKing as a receiving Web Service

- Potential need to develop automated Superform process/interface to support agencies without RMS capabilities
3. Jail intake processing
 - Business reengineering of initial intake and processing
 - Exchange of booking sheet data with AFIS unit
 - Exchange of booking sheet data with PR screen process
 - Data exchange performed between SIP/SeaKing-to-AFIS, SIP/SeaKing-to-Crimes, and SIP/SeaKing-to-PTM
 4. Early bird calendar data population
 - Data migration to populate calendar program
 - Data exchange performed between SIP/SeaKing and JKSS
 5. Booking status communication
 - Business reengineering to improve the distribution of the booking recap report
 - Exchange of Booking Recap data to applicable internal agencies
 - Exchange of Booking Recap data to Seattle Municipal Court
 - Business reengineering of police agencies to receive automated status updates
 - Proactive status changes to arresting agencies
 - *Potential* data exchange performed between SIP/SeaKing-to-PROMIS, SIP/SeaKing-to-OPDMIS, SIP/SeaKing-to-IRIS, and SIP/SeaKing-to-Web Services (external facing)

The OIRM expects an annual savings of \$764,000 by changes in booking. This is equal to about 9.5 FTE correctional officers - about five 8-hour 7-day posts.⁹⁸ Is this possible?

At KCCF, the booking function requires 2.5 officers on 1st Shift, 4.0 on 2nd Shift, and 3 to 4 on 3rd Shift. These staffing levels apply seven-days a week. Three booking officers work a ten-hour shift on weekdays at the RJC. This adds up to about 22 FTEs.

Over the course of a day, the ten booking officers at the KCCF complete an average of 115 bookings, or about 11.5 each per eight hour shift. With breaks, an officer can work no more than seven hours on a shift. This means that an average booking takes about 36 minutes.⁹⁹

Prorating the projected savings of 9.5 FTEs between the KCCF and the RJC, about 7.6 FTEs (4.2 posts) would be saved at the KCCF. In other words, 5.8 officers would have to do the work now being done by 10. Instead of an average booking taking 36 minutes, it would take 21 minutes. This represents an increase in productivity of more than 40 percent.

How these changes will actually affect booking operations would take a detailed time and motion study that is beyond the scope of the OMP. However, even if productivity gains of this amount are not achieved through this initial project, the ITR remodel project, if approved, will include a comprehensive interagency review of the booking process to identify additional process changes to streamline booking. Continued focus on process improvements will certainly lead to

⁹⁸ The savings assumptions developed by OIRM were estimated under an earlier DAJD administration and prior to implementation of some significant operational changes to DAJD (e.g. the consolidation of the ITR function at the RJC and the absorption of a \$6.2 million reduction in DAJD's operating budget). DAJD staff is currently working with OIRM staff to re-evaluate the savings assumptions in light of current-day operations.

⁹⁹ This average includes both busy and slow days. On busy days (two standard deviations above the mean) officers complete an average of about 18 bookings per shift, taking about 23 minutes per booking.

efficiencies, however the OMP team is in no position to be able to estimate the magnitude of those efficiencies.

Court Detail

Court Details activities are described in Option 11 "Court Detail," and in Chapter 1, "Current Operations." The component of their work that could benefit from expanded and improved information technology is scheduling of court appearances.

Scheduling of escorts to court is only partially automated. Superior Court enters court schedules directly into a computer program called JAMMA. Seattle Municipal Court hearings are automatically downloaded into this system after normal business hours every day. District Court, and the other municipal courts, do not use this system. For these courts information is supplied by fax or telephone and then entered by a Court Detail officer who arrives early in the morning.

Unscheduled escorts can result from data entry errors or failure to provide the information in a timely way. Omissions and unscheduled events require labor-intensive one-on-one escorts and are reported to make up a significant proportion of Court Detail's workload.¹⁰⁰

An initiative is underway to extend JAMMA to other courts. While this will reduce manual re-entry of information, it will reduce workload for Court Detail by less than an hour a day. The primary benefit will be an improvement in the quality and timeliness of information used by Court Detail.

Improvements beyond extending JAMMA to other courts will require the cooperation and support by agencies from both the executive and judicial branches. Since it extends beyond the ability of DAJD to implement on its own, determining how or when or whether to create additional functionality is beyond the scope of the OMP.

Classification

Classification Counselors (Corrections Program Specialists) are intensive users of multiple electronic data sets, including external data such as the Department of Corrections Offender Based Tracking System, the Justice Information System, the Superior Court Information System, the District Court Information System, and the National Criminal Information Center.

An initiative to streamline the work of Classification Counselors is scheduled to start later in 2004. The OIRM *Law, Safety and Justice Strategic Integration Plan* estimates that efficiencies from improvements in this area can generate approximately \$150,000 per year in savings. This is roughly equivalent to the fully burdened cost of two Corrections Program Specialists. In 2003 there were 24 Corrections Program Specialists for the two jails.

Classification is one of the most important functions in a jail. Classification Counselors are the primary risk managers in the system. Their decisions determine the custody classification level inmates and their assignment to housing units. They determine who is to live where and with whom. They identify keep-separate issues. They are the early identifiers of special needs inmates. They run the disciplinary hearing process.

¹⁰⁰ Most inmates for pre-scheduled hearings are brought in batches of 10 escorted by a single officer. High security inmates are usually escorted by two officers.

On top of this, Classification is also responsible for managing inmate housing routines; inmate discipline; inmate compatibility resolution; interventions and behavior contracts for inmates; transitioning inmates into and out of special custody housing; minimizing extra officer posts by balancing population when levels are high; taking action to reduce bed space requirements; and screening inmates for program eligibility and participation. Counselors are the principle referral source for inmate programs.

The classification process and many of the other functions provided by Classification Counselors are to large degree judgment based. Classification decisions involve interpretation of sometimes complicated and contradictory information. While improved data access can simplify some of the work of the Classification Counselors, this may only give them more time to attend to their many other duties rather than create efficiencies to reduce staff in this area.

Other

There are several relatively simple steps that could be taken as intermediate steps to improve data sharing between agencies. The problem due to the lack of common identifiers noted above could be alleviated by the accurate entry of other agency identifiers into DAJD databases. If the booking form used by all law enforcement agencies (the Superform) were to have a printed barcode version of the police case number, it could be scanned into DAJD systems with increased speed and great reliability. Similarly, if court case documents and warrants included a printed barcode version of the case number, that too could be scanned. Inexpensive software is available to automatically generate barcodes in Word and other documents.

Video Visiting

BACKGROUND:

Consistent with legal requirements relative to access to attorneys, and best practices with regard to helping inmates maintain contact with family and community, DAJD provides the opportunity for visiting to all inmates. As the technology has improved, more jails around the country have moved to video visiting, a system essentially equivalent to small-scale video conferencing.

Video visiting consists of inmate visiting stations located within the housing units and centralized public visiting elsewhere. Public visitors are monitored – usually by non-uniformed staff – while inmates are monitored by housing unit staff. With appropriate web technology, dedicated visiting stations can be installed in public defender offices and other strategic locations.

The question is: should DAJD adopt video visiting for some or all of its operations?

CURRENT PRACTICE:

DAJD has non-contact visiting booths on all inmate housing floors in the KCCF tower, on the first floor of the KCCF West Wing, and in each housing unit at the RJC.¹⁰¹ Small two-person conference rooms near the housing units are used for face-to-face attorney and other professional visits. Attorney visits can take place any time day or night. Public visiting hours are extensive

¹⁰¹ Non-contact visiting consists of small booths separated by secure glass and walls. Communication is usually through a telephone handset connecting the two sides of the visiting booth.

but demand is highest in the evenings and on weekends and holidays. Both facilities were constructed with extensive and expensive separate circulation systems for visitors.

PROPOSED ALTERNATIVE:

Under this alternative video visiting would be added to the KCCF but not to the RJC.¹⁰² Three video visiting stations would be added to each housing unit in an area easily visible from where the wing officer sits. Two of these stations could be simple wall-mounted screens with appropriate covering. One station could be enclosed for attorney client visits. A centralized visiting area would be created for public visitors. Depending on how many inmate visiting stations were added in the infirmary, the public visiting area could have up to 50 stations for the tower. Another 15 would be needed if video visiting were added to the West Wing. One station would be added in each of the public defender agency offices. Others could be added in the county courthouse and other high volume courts. The number of stations for inmates and visitors/professionals may be higher if other uses are feasible in the future. For example, some inmate programs could be delivered using this technology.

SUMMARY CONCLUSIONS:

Video visiting has significant cost advantages in new jail construction where the cost of building separate circulation systems for visitors can be avoided. This, of course, does not apply to King County's current situation.

Video visiting has a number of operational advantages: 1) it significantly reduces the effort required to supervise visiting, 2) it greatly reduces the possibility of public visitors introducing contraband into the secure perimeter, 3) it creates a new and efficient means of communication between attorneys and their clients, 4) it increases the productivity of wing officers by adding to their responsibilities, 5) it has the potential for future enhancements that could enable long-distance visiting.

Video visiting, by itself, does not appear to provide cost savings. However, in the opinion of the OMP Team, it is a necessary component to make other options work. (See "Alternative Staffing after Completing the ISP.")

FISCAL IMPACT:

Spare capacity for routing wire to support video visiting and other potential future enhancements is included in the ISP. The capital cost of adding video visiting has not been estimated. By itself, this option does not lead to staff savings.

OTHER CONSIDERATIONS:

While some public defenders may argue that client contact must always be face-to-face, the time savings and convenience of being able to confer with a client without having to leave the office would presumably increase contact between attorneys and defendants. Provisions for face-to-face attorney visits and exchange of legal documents would, of course, have to be maintained.

¹⁰² The reason for this difference is that visiting at the KCCF has staffing implications that are not present at the RJC. Specifically, visiting booths at the RJC are part of each housing unit, relegating supervision of this activity to the unit officer. A substantial portion of additional officer's time is required for this function at the KCCF.

Attorney concerns about the privacy of communications between attorney and client are legitimate issues calling for secure safeguards in this electronic environment.

Installing video visiting in the housing units frees up space currently used for non-contact visiting. This would provide space for holding areas for inmates being assembled for group moves – such as to court. This in turn frees up the multi-purpose room on each floor (currently used for holding when needed) thereby increasing opportunities to provide inmate programs.¹⁰³

One possible location for video visiting in the North and East wings of the KCCF tower is a small dayroom for a group of three cells generally referred to as “Lower A.” If this location were used, video visiting would cause three cells to be lost for each housing unit in which it is implemented. It is likely, but not certain, that this loss of capacity could be made up elsewhere in the building without violation of the capacity limits included in the Hammer Settlement Agreement.

On each floor in the KCCF tower there are currently three non-contact visiting booths that have pass-through slots for attorneys and clients to exchange documents. While these booths are reserved for attorneys during the day, they are used by the public at other times. Restricting public visits to video visiting eliminates the remote possibility that contraband can be passed in these areas.

A supervised location the public side of video visiting would have to be located. This might occur on the first floor of the West Wing (see page 120, “Changes to the First Floor of the West Wing”) or in another building. Public visiting is commonly staffed with non-uniformed staff. Whether this could be done by existing reception officers, or if additional staff would have to be added, will require additional study.

While the OMP Team does not know of any application currently in place where visiting can be done from any location where there is a high-speed internet enabled computer, the technology is clearly moving in that direction. While there are policy considerations about whether one would want to do this on a regular basis, future enhancements to video visiting will make long-distance visits possible. It is easy to imagine situations – such as when the inmate’s family is out of state or unable to travel to the jail – where this might be desirable.

It can be argued that video visiting has a relatively sterile quality to it that is not present even in the somewhat artificial environment of non-contact visiting. To the extent that this is a concern, the best practice concept of helping inmates maintain contact with family and community is perhaps compromised by video visiting.

¹⁰³ This would not be an advantage if video visiting were used in conjunction with Option 9, “Remodel KCCF for Direct Supervision”

Video Court, Telemedicine, Applications Software

BACKGROUND:

The expansion of exiting technologies and the addition of new ones holds promise for improving operations and creating efficiencies.

In terms of existing technologies, the Regional Justice Center operates a video court courtroom used by a number of jurisdictions in the south end of the county. The Adult Justice Operational Master Plan recommended adding video court capability throughout the King County District Court system and a capital funds in the amount of \$273,609 have been approved to add a video court capability at the KCCF. Video court, as with video visiting, is an application of videoconferencing. (See Option 8, "Technology," for discussion about video visiting.)

Telemedicine can be defined both broadly and narrowly. Definitions range from simply the exchange of medical information from one location to another via a computer network, to the transfer of medical images for the purpose of diagnostic consultation, to using videoconferencing for remote diagnosis and treatment.

DAJD uses a variety of electronic applications in booking, classification, programming, inmate management, accounting, and communication with outside agencies and databases. There is little or no linkage between most of these applications.

CURRENT PRACTICE:

The video courtroom at the RJC operates five days a week and handles about 4,000 arraignments per year for various south-end municipal courts. It is located within the secure perimeter of the jail and is staffed by Court Detail and an operator who runs the system. The officer in Housing Control at the RJC has line-of-sight visual monitoring of video court.

Except perhaps in its most rudimentary form – such as sending e-mail – Jail Health Services does not have telemedicine capability.

Many of the software applications used by DAJD were developed decades ago. Some are written in programming languages (such as COBOL) that are no longer taught in university courses and for which there are fewer and fewer experienced programmers still working. In many cases the same data are collected and entered manually into different applications. For example: names, demographic information, current offense, and other information may be entered into different systems on the same day by a booking officer, a pre-trial screener, and a Corrections Program Specialists doing classifications. A common identifier, the Computer Control Number (CCN) is used in all DAJD systems. Controlled outside access to these systems can be obtained over the network upon approval by DAJD.

OMP DISCUSSION:

Video Court

Video court technology has improved significantly in recent years. The video court system used at the RJC is of an earlier generation and, although image quality and system performance are not as good, it has proved to be effective in the situations in which it has been used.

The primary beneficiaries of video court are the outlying jurisdictions that otherwise would have to use a police officer to transport the inmate to and from the jail and to provide courtroom security.¹⁰⁴ Since video court courtroom security is a DAJD responsibility, workload for DAJD may increase, rather than decrease, through the use of video court. It is necessary to say “*may* be increased” because, while there is added work associated with courtroom security, there is less work in ITR due to the release and re-booking process that is used when inmates go to an outlying court.

While there may be little or no financial benefit to DAJD in using video court, reducing movement in and out jail reduces the risk of escape, danger to the public, and introduction of contraband into the jail. Consequently, DAJD would like to see video court expanded. Areas of interest are:

- Holding hearings other than arraignment at the RJC video court,
- Adding video court to the KCCF,
- Changing the NW District Court Domestic Violence calendar to video,¹⁰⁵ and
- Using video court for as many civil matters involving inmates as possible.

Expanding the use of video court for hearings other than arraignment has proved to be a challenge in many jurisdictions. Doing so requires agreement of the court, the prosecutor, and the public defender. The public defender, in particular, is placed in a difficult position regarding representing the best interest of clients when video court is used. Should the public defender be in the courtroom with the judge or with the client in the video courtroom?

The addition of video court to KCCF will make it possible to move the Northwest District Court Domestic Violence calendar to video. This will reduce outside escorts provided by DAJD three times a week. A KCCF video courtroom will improve the efficiency of the outlying courts that choose to use it.

Video court might reduce the workload of Court Detail if Superior Court chose to use it. However, the Superior Court arraignment calendar at both the downtown and RJC courthouses is already an efficient operation. Consequently, it would require using video court for other hearings in order to reduce the workload of Court Detail.

Telemedicine

As noted above, telemedicine can be defined both broadly and narrowly. In its simplest form - exchange of medical information via a computer network – the use of telemedicine will increase dramatically after Jail Health Services begins using electronic medical records.

The middle definition of telemedicine – the transfer of medical images in digital form – is an issue being explored by Jail Health Services. In particular, it is believed that digital, or digitized, x-ray may be cost beneficial. Determination of the costs and benefits requires technical analysis

¹⁰⁴ Determining the financial benefits of the RJC system to south-end courts is outside the scope of the OMP.

¹⁰⁵ The Domestic Violence calendar currently requires three transports per week from the downtown jail. It was reported that there is a project underway to make this change.

that is beyond the scope of the OMP but should be forthcoming in work being done by and for Jail Health Services.

From a medical standpoint, the use of videoconferencing to do remote diagnosis and treatment is a preferred mode of operation only if there is no better alternative. While videoconferencing is a significant improvement over blind consultation over the telephone, doctors use all of their senses when making diagnoses. If there is a physician at both ends of the videoconference link – as there would be between Harborview and the KCCF – the doctor who is with the patient can communicate physical findings to the expert at the other end of the link. This can be useful if the condition is rare or particularly challenging and the consulting physician wants guidance before proceeding with treatment that he or she will provide. But if the condition is rare or the treatment challenging and a specialist who could perform the work is nearby, it would be sub-standard care to not use the specialist. This limits the usefulness of the videoconferencing mode of telemedicine to situations where the on-site physician wants a consultation involving live images but where the treatment will be provided locally.

The benefits of telemedicine are therefore limited to specialty care that otherwise must be transported out. The number of transports that could be prevented with telemedicine would have to be evaluated in light of the cost of the technology. While this detailed and technical analysis could be done, the OMP team believes there are other steps that can be (and are being) taken – such as increasing the type and number of procedures done in-house – that would reduce transports and the use of outside medical resources without resort to capital expenditure.

Despite these reservations, as videoconferencing becomes more ubiquitous (see Issue 16C, “Network Infrastructure Optimization”), video consultations will no doubt become common.

Applications Software

There are a number of new integrated jail management systems in use around the country. In smaller jurisdictions they may be off-the-shelf systems. Some jurisdictions have customized systems developed internally or by outside vendors. Still others have large-scale ready-made systems customized to their own requirements.

There are two basic approaches to developing an application for a large jail system: a custom system can be developed that mimics current and historic business practices, or a ready-made large-scale system can be modified so that it gets close to supporting current and historic modes of operation. The former can be very expensive – costing tens of millions of dollars. According to vendors consulted by the OMP Team, the kind of a system needed by a jurisdiction as large and complex as King County is still a four to five million dollar investment. The difference between a system costing a few million dollars and one costing tens of millions of dollars is the difference between getting 100 percent of what you want and getting 90 to 95 percent of what you want.

Changing to a new software environment is a major undertaking. A significant benefit of the undertaking can result from the detailed examination of business practices that is needed to define system requirements. While the new software may improve productivity and create efficiencies, critical examination and re-definition of business practices may result in the largest savings.

One area where improvements could be made that would not take a major commitment of time or resources relates to how work and activities are scheduled. There are a number of functions in DAJD that involve routine and repetitive scheduling of officer and inmate time. Assembly and transport of inmates scheduled for court, assignment of officers to individual escorts, scheduling inmates for transports between facilities or transfer to other jurisdictions are done over and over. These functions have historically been done by hand. In recent years, many of them have migrated to user-created spreadsheets or other electronic format. Many of these scheduling functions – particularly transports – appear as if they would benefit from the use of software specifically designed to facilitate scheduling.

Network Infrastructure Optimization Project

BACKGROUND:

The Network Infrastructure Optimization (NIO) Project is a major undertaking by King County to replace its current highly segregated and disparate voice and data systems with a new standardized communications infrastructure that can meet current and evolving needs of the county. The basic strategy of the NIO is to develop a stable core and mature support processes before migrating sites to a common infrastructure for voice, data, and hybrid services. This common infrastructure – known as a converged environment – was not possible before recent innovations. The advantages of such an infrastructure are reduced cost and increased ability to incorporate new functionality – including capabilities not yet developed. Among the enhanced capabilities already available in a converged environment is greatly improved video capability for such things as video conferencing, web-based learning, and professional collaboration.

Analysis of King County's current voice and data infrastructure by the county's consultant, IBM Global Services, concluded that:

- There are few or no standards in the current, highly fragmented infrastructure
- Incompatible technologies have been deployed at different sites
- Organizational goals are inconsistent
- There are few or no support processes in place
- Separate and incompatible voice and data networks are in place
- The skills within the county are inconsistent with existing infrastructure needs

Despite these deficiencies, there are bright spots in some of the county's systems. Of particular importance to DAJD, the NIO consultant concluded that the county's I-Net is already fully optimized and capable of providing large-scale efficiencies for telecommunications and video applications.

The consultant specifically recommends that Law, Safety and Justice (LSJ) leverage I-Net for most of its operations. Opportunities to increase efficiency and reduce costs are in the areas of training, expanded use of video, and use of storage area networks for such things as filing of imaged documents. As Law, Safety, and Justice agencies move toward greater interagency data sharing, I-Net can serve as the network infrastructure to support those efforts. Over time, I-Net can be scaled up to add additional participants and functions as LSJ integration matures.

CURRENT PRACTICE:

Both in its common administrative functions, and in the specialized communication and data environments that exist in the jail, DAJD shares all of the limitations seen in other parts of the county's voice and data infrastructure. Existing communication and security electronics in the KCCF facility are old, inefficient, and costly to maintain. Some system devices are no longer manufactured and replacement parts are hard to find.

The Integrated Security Project for the KCCF will provide new digital communications and control systems for security operations in the jail. Because of the nature of these systems they are designed to remain segregated from other networked environments.

The many data systems used by DAJD in its jail operations are generally old, incompatible, highly segregated, and increasingly difficult to support. Already difficult and critical tasks, such as booking, commitments, and release, are complicated by the many systems that must be queried on a regular basis. Training in the use of multiple systems is time consuming, expensive, and inefficient.

OMP DISCUSSION:

A number of initiatives proposed in this OMP – including video court, video visiting, and videoconferencing between attorneys and in-custody clients – will benefit from the enhanced environment proposed in the Network Infrastructure Optimization Project. Existing transport capabilities of I-Net can already support these applications.

Integration of video visiting with I-Net will enable connection to remote sites such as conferencing stations in public defender offices and in courthouses. The video visiting technology can also be adapted to deliver educational and other computer-based programming to inmates.

I-Net also has the ability to provide network access to a central storage environment for document image databases, photos, and other items. As additional justice agencies move toward imaged documents, some labor-intensive DAJD functions such as document retrieval and review in booking, commitments, and release can be streamlined with potential labor savings in all of these areas. Rapid and reliable access to data is of particular importance to these functions.

While there are many advantages to the converged environment envisaged by the Network Integration Optimization Project, there are risks as well. One of the risks is that all systems in a converged environment run over a common data network. That means that voice, video, and data all are subject to the set of threats that data systems have traditionally faced from hackers, viruses, and interruption of service. While a common, well-managed security system will minimize these risks, this risk may not be acceptable for critical systems and sensitive data used in some parts of DAJD's operations.

I-Net has a reliability target of 99.9 percent availability. While this is very high, the NIO consultant notes that some functions, such as the county's 911 service, require even higher levels of reliability. Careful evaluation of the specific needs of various parts of DAJD's operations is needed to identify those areas where extremely high security and/or reliability are essential. Areas discussed in this OMP – video court and video visiting, for example – do not require such extreme levels of reliability.

OPTION 9: INCREASE HAMMER CAPACITY OF THE KCCF

BACKGROUND:

The Hammer Settlement Agreement grew out of a class action lawsuit brought on behalf of Calvin Hammer and others by the ACLU of Washington. The period leading up to the lawsuit saw a series of budget cuts that led to staffing reductions in the correctional officer corps, jail health services, and classification counselors. This period was also characterized by jail overcrowding. The plaintiffs alleged that staffing cuts had led to longer and longer times during which inmates remained unclassified and that some inmates were therefore housed inappropriately with other inmates in crowded conditions. This, together with reduced levels of correctional officer presence, led to the allegation that the county was unable to keep inmates safe. On the health and mental health side, cuts had led to loss of accreditation of these services.

The staffing levels, jail health services accreditation requirement, and classification procedures incorporated in the Settlement Agreement are the remedies to which the county agreed as a condition of having the case dismissed from Federal Court.

Among other things, *Hammer* sets an overall limit on the number of inmates who can be housed on a regular basis in the KCCF. The limit for the tower portion of the jail is 1,262. In addition to limiting the overall population in the tower, the Settlement Agreement also places limits on certain portions of the tower. Dormitory units, which occupy the south wing of four of the five inmate floors, may house no more than 160 inmates. Inmates in various segregation classifications, and inmates under mental health observation, may not be double celled. No cells may have more than two occupants.

CURRENT PRACTICE:

DAJD operates the KCCF in compliance with the Hammer Settlement Agreement. The following table shows how DAJD has set unit sizes to meet the 1,262 capacity limit set by *Hammer* for the KCCF tower.

KCCF Tower Capacity – Current Practice

Floor	North	East	South	Infirmary	Total
11	48	48	-		96
10	48	96	136		280
9	92	96	136		324
8	96	96	136		328
7	48	48	112	26	234
Total	332	384	520	26	1,262

The 11th floor is used for the highest security inmates who are housed in single cells. The north wing on floor 10 is used for segregation, which is limited to single cells by the Settlement Agreement. The North and East wings on floor 7 are used for mental health observation which is also limited to single cells by *Hammer*. DAJD has set the capacity of the dormitory units in the south wings at 136 – which is below the maximum allowed by *Hammer*.¹⁰⁶

¹⁰⁶ *Hammer* allows up to 160 inmates per dormitory.

PROPOSED ALTERNATIVE:

Under this alternative the operational capacity of the North and East wings in the KCCF tower would be maintained or increased while the number of inmates housed in the South dormitories on floors 8, 9 and 10 would be maximized to the level allowed by the Settlement Agreement. If the number of inmates in the North and East wings remained the same, this would increase capacity of the KCCF from 1,262 to 1,334 – an increase of 72. If an additional North or East wing could be doubled celled, KCCF capacity would be 1,382 – an increase of 120.

There are limits on the number of areas where capacity can be increased. The South dorm on floor 7 is mainly used for suicide watch and female offenders. As such the capacity of this unit should not be raised above its current occupancy. The 11th floor and the North wing on floor 10 are used for the highest security inmates and those in segregation. These cells should not be doubled. Finally, 7 North is used for inmates under mental health observation. These should remain as single occupancy cells. That leaves the dormitories on 8, 9 and 10, and, if Jail Health Services (JHS) efforts to reduce the number of inmates under mental health observation is successful, 7 East as possible candidates for expansion. If the Settlement Agreement were modified to allow these changes, additional bunk beds would be added to dorms on the eighth, ninth, and tenth floors and a second bunk would be added to the cells in 7 East. How this is accomplished is shown in the following table.

Increase Hammer Capacity of KCCF

Floor	Current Practice	Cell Occupancy		Maximum Capacity	Increase
		Current	Alternate		
7 North	48	1	1	48	0
7 East	48	1	2	96	48
7 South	112			112	0
Infirmary	26			26	0
Subtotal – floor 7	234			282	48
8 North	96	2	2	96	0
8 East	96	2	2	96	0
8 South	136			160	24
Subtotal – floor 8	328			352	24
9 North	92	2	2	92	0
9 East	96	2	2	96	0
9 South	136			160	24
Subtotal – floor 9	324			348	24
10 North	48	1	1	48	0
10 East	96	2	2	96	0
10 South	136			160	24
Subtotal – floor 10	280			304	24
11 North	48	1	1	48	0
11 East	48	1	1	48	0
Subtotal – floor 11	96			96	0
Total Tower	1,262			1,382	120

CONCLUSIONS:

There are serious constraints that affect the ability of the county to implement this alternative. First, the Hammer Settlement Agreement would have to be modified. The *Hammer* Agreement requires that the County notify counsel for the *Hammer* Plaintiffs (the ACLU of Washington) of any change. If the parties disagree about the proposed change, the agreement includes a clause for dispute resolution that, after exhausting other means, ends in referral of the matter to Court. As a contract, enforcement of the agreement is subject to the law of contracts of the State of Washington.

Second, in order to achieve the maximum benefit of this expansion, Jail Health Services' plans about how mentally inmates are treated in the KCCF must be implemented and demonstrate that they are successful. These plans involve concentrating more resources on acute, non-stable, mentally ill inmates and creating a step-down unit for those who are stable but fragile. This would reduce the number of housing units needed for mental health observation from two to one and allow creation of a double-celled step-down unit to assist in the re-integration of stable mentally ill inmates into general population. Forty-eight of the potential 120 additional beds depend on the success of this strategy.

It should be noted that the treatment of mentally ill offenders is an issue that has frequently been litigated and in which there are many interested parties who pay close attention to what DAJD, JHS, and similar agencies do. While the changes proposed by JHS are intended to improve conditions and treatment for mentally ill offenders, the department's ability to double cell a step-down unit might be compromised by forces outside its control.

If these constraints can be overcome, expansion of the KCCF would increase system capacity and likely reduce operating costs by reducing the need to double cell units at the RJC.

FISCAL IMPACT:

The fiscal impact of this alternative depends on the amount of expansion that is achieved at the KCCF. It further assumes that no change in staffing would be needed if the dormitories on 8, 9 and 10 housed up to 160 inmates. The most likely impact would be to reduce the number of times when housing units at the RJC would have to be double celled. If only the dormitories were expanded, this could reduce the number of units doubled at the RJC by one to two. If the capacity of both the dormitories and one other wing were increased, it could reduce the number of units doubled from two to three. Alternatively, at low levels of population requiring secure confinement, expanded capacity at KCCF might result in temporary closure of one to two units at the RJC.

There are 5.34 additional FTEs needed when using the staffing pattern employed by DAJD for double celled units at the RJC. At current (2004) costs for an average correctional officer, approximately \$35,600 is saved for each month during which a unit not doubled celled.¹⁰⁷

For the six years following projected completion of the ISP in August 2006, the May 2003 population forecast estimates that, if the West Wing is opened, there will be 29 months when one or more RJC units are double celled. More than half of this time (15 months) one unit will be

¹⁰⁷ Assumes adding one officer on 1st and 2nd shift and prorating 1 relief officer per shift between three units.

doubled. In the remaining 14 months an average of 2.9 units double celled. In 2004 dollars, the projected undiscounted savings over six years is about \$1,958,000, or about \$326,000 per year.

OPTION 10: CONSOLIDATED BOOKING

BACKGROUND:

In an efficiency started in 2002, DAJD reduced the booking function at the RJC from a 24/7 operation to a single five-day-a-week 10-hour shift. This change resulted in a reduction of 17.6 FTEs and a savings of about \$1.2 million a year in 2002 dollars. (The 3rd shift at RJC-ITR was cut in 2002. The remaining time was cut in 2003.)

For the 12 months ending October 31, 2003, the RJC averaged about 30 bookings per day and 60 releases per day. This was about 20 percent of total adult bookings and 39% of the total releases for DAJD during these months.

The question is: should all bookings take place at the KCCF and the booking function at the RJC be eliminated entirely?

CURRENT PRACTICE:

The booking process at the ITR (Intake/Transfer/Release) unit at the RJC operates from 7:00 AM until 6:00 PM Monday through Friday. In order to finish bookings that come in at the end of the day, ITR accepts new bookings until 5:00 PM. South-end bookings outside these hours are done at the KCCF. Inmates who need to be moved for case assignment reasons are bussed from the KCCF to the RJC as necessary.

PROPOSED ALTERNATIVES:

The ITR at the Regional Justice Center would be closed in its entirety and those functions would be transferred to the KCCF.

Towards the end of the project, the office of the King County Auditor suggested examining the idea of reducing hours of operation of the ITR still further. This idea has merit and is included in the list of "Other Issues to Explore" at the end of this chapter.

DISCUSSION

An analysis of bookings by shift by officer by location resulted in the following findings:

Bookings per Shift – Jan 2003 thru Oct 2003

		Shift		
		1st	2nd	3rd
KCCF	Average	28.9	45.0	41.6
	Maximum	56	79	70
System	Average	49.5	53.7	41.7
	Maximum	90	99	70
Estimated RJC ¹⁰⁸	Average	20.6	8.7	0.1
	Maximum	34	20	0

¹⁰⁸ RJC bookings per day are known, but are prorated from their 10-hour shift to a three shift schedule to estimate the impact on KCCF by time of day.

During this time KCCF had an average of 2.5 booking officers on the first shift, 4.0 on the second, and 3.4 on the third. If all bookings were to take place at the KCCF it would be necessary to add 1.3 FTEs to the first shift and 0.2 to the second shift to maintain the current maximum average of 12.9 bookings per officer per shift. No additional staff would be needed on the third shift.

Bookings are only one of the functions of the ITR. In addition to doing 20 percent of the department's bookings, the RJC was responsible for 39 percent of the department's releases in 2003. While bookings take place during restricted hours of operation, releases take place on all shifts.¹⁰⁹

Because of limitations in the booking software, once a booking has been started, it must be finished before starting the next one. Consequently, bookings per shift and bookings per officer per shift are good representations of the workload in booking. This is not the case with releases. Release paperwork may be started on one shift while the actual release takes place on the next shift. This is particularly true for releases started on the third shift but finished on the first shift. Consequently, the releases per shift and releases per officer per shift are not accurate indicators of the release workload per shift.

To get around this problem we have to ignore the per shift calculations and consider releases per officer over the course of the day. The current average is 17.1 releases per officer per shift. If all releases were to occur at the KCCF, it would be necessary to add 1.5 release officers on the first shift, 2.5 on the second, and 1.1 on the third to maintain this average.

If all inmates were booked into the KCCF there would be an increased need for inmate transports between the two facilities. During the 10 months for which daily bookings and releases were analyzed the RJC averaged about 30 bookings and 60 releases per day.¹¹⁰ Based upon their own review of this issue DAJD concluded that an additional transport team would be needed if all bookings were to take place at the KCCF. These numbers support that conclusion. Consequently a second transport team – which consists of two officers – would be needed if all bookings were consolidated at the KCCF. As a seven-day-a-week function, a transport team requires 3.56 FTEs.

ITR also holds inmate property taken at the time of booking. The property room at the RJC held property for an average of 953 inmates a day in 2003. The inmate property room at the KCCF cannot hold the property of additional 900 to a thousand inmates from the RJC. Consequently, inmate property would have to be shipped with the inmate when he or she was transported to the RJC. Similarly, it would have to be returned when the inmate was to be released. This further supports the need for an additional transportation team if all bookings were to take place at the KCCF.

The ITR and its vehicle sally port at the RJC is a regional hub for the multi-state Cooperative Prisoner Transport program. The vehicle sally port at the KCCF is already often full to

¹⁰⁹ Night-time releases at the RJC are processed by the third shift transportation coordinator. About seven percent of RJC releases occur at night.

¹¹⁰ The RJC has more releases than bookings because court assignment issues do not generally apply to sentenced offenders and – for space available reasons – a disproportionate number of sentenced offenders serve their time at the RJC.

overflowing, with police officers waiting outside in their cars for an opportunity to pull into the sally port. Some buses served by the RJC hub are too large to exit the KCCF sally port on the James Street side of the building. Consequently, replacing this function at the KCCF is currently impossible and would be possible only with significant alternation or addition to the existing building.

When time permits, booking officers at the RJC provide relief for other officers during breaks and fill in for other vacancies to reduce the use of overtime. Depending on how many inmates are in booking at the time, two to four of the six booking officers in the ITR respond to codes in the RJC. This support would be lost if booking were consolidated at the KCCF.

Pre-trial release screeners at the KCCF do not process South County cases booked into the KCCF. That service is provided when the inmates are transported back to the RJC. In other words, PR Screeners at the RJC currently provide all Pre-trial Services for RJC inmates. If that function were to continue at the RJC, there would be a greater average time between booking and pre-trial release.

FISCAL IMPACT:

The one-shift ITR function at the RJC is staffed by six correctional officers, one commitment officer, 1.5 PR Screeners, and an ITR Sergeant. From the analysis above, 4.7 FTEs would be needed to provide the services currently performed by six correctional officers at the RJC. In addition, 3.6 FTEs would be needed for another transport team. Therefore, in total, there would be a net *increase* of 2.3 correctional officers if ITR were closed at the RJC and the workload transferred to the KCCF.

Since the commitment officer and PR Screeners would simply be reassigned to the KCCF, that leaves only the ITR Sergeant as a position that would no longer be needed. While this reduces the net cost of moving all of ITR to the KCCF, it is not sufficient to offset the need for additional correctional officers supported by this analysis. Consequently, consolidating booking at the KCCF would result in a net increase in costs in booking, release, and related operations.

There are also capital costs associated with duplicating the regional transport hub functions that currently take place at the RJC. The extent of those costs is not known. DAJD also believes that an additional bus would have to be purchased to support the increased transportation needs brought about by consolidation. They estimate a one-time cost of \$160,000 to acquire a new bus.

CONCLUSIONS:

There are no cost savings associated with completely closing the ITR at the Regional Justice Center and transferring those functions to the KCCF. Indeed, because of increased transportation costs, it might result in a small increase.

Other factors associated with a complete closing of booking and other ITR functions at the RJC also need to be considered: services to south-end law enforcement would be reduced; regional transportation hub functions would be compromised or eliminated; and other non-ITR functions performed by ITR staff would be lost to the RJC.

OPTION 11: COURT DETAIL

BACKGROUND:

Court Detail is responsible for delivery and return of inmates to and from the nearby Superior Court and to and from the courtrooms located in the two jails operated by DAJD. The escorting officer is also responsible for the inmate while proceedings take place. Court Detail also provides medical transports, transports to and from Western State Hospital, relief of officers assigned to inmates at Harborview or other community-based medical facilities, and escort of out-of-custody inmates who have been remanded to jail. Court Detail is a significant undertaking. In 2003 there were 60 correctional officers, three sergeants, and one captain in this unit.

In prior work, the King County Auditor's Office completed an analysis of the relationship between the size of the inmate population and Court Detail hours spent on court escort and courtroom security functions. That analysis, while limited by the time frames for which data were available, identified a strong relationship between these variables. Subsequent to this, the Auditor's Office requested that a DAJD develop a staffing model for Court Detail.

Like most of DAJD, the workload of Court Detail is significantly affected by the activities and schedules of other CJ agencies over which it has little or no control. The timing and number of hearings are determined by prosecutorial, public defender, and court practices. All of these are, in part, affected by the resources available to each agency and by the ebb and flow of new cases. These complex interactions make development of a staffing model for Court Detail difficult.

The question is: are there efficiencies possible in Court Detail that could reduce operating costs?

CURRENT PRACTICE:

Court Detail can be thought of as having two different components: a fixed set of duties that do not vary appreciably from day to day, and court related functions that respond to the needs of judges and others involved in criminal proceedings.

The fixed positions – which are described in Chapter 1, “Current Practices” – take up most of the shift for 22 of the 60 officers in Court Detail. The remaining 38 are assigned to a pool of officers who provide escorts and courtroom security for the defendant at both the King County Court House and the Regional Justice Center. Regular cases require one officer per inmate. High risk or high profile cases require two, or sometime three, officers. Out-of-custody defendants remanded to jail during a court appearance are generally accompanied by two officers.

Inmates scheduled for court are brought in groups from the jail and held in courthouse holding cells until their hearing. One group comes in the morning and one in the afternoon. A request for an inmate to be at a hearing is usually made a day in advance. However, sometimes (multiple times per week) an inmate will be requested at the last minute or there is some other reason why the inmate is not already at the courthouse. Delay can occur when this happens because the inmate must be brought from the jail to the courtroom, rather than from the courthouse holding cells. If the inmate has to be dressed for trial (inmates wear civilian cloths for trial) the delay is longer. These unscheduled escorts are more time consuming because it requires at least one officer for one inmate, as opposed to one officer for up to 10 inmates during normal group moves.

The first group of inmates is assembled by the time the majority of the pool officers arrive on shift. Upon arrival those officers who do not have other duties are placed in queue for case assignment. On typical days most go out with an inmate more or less immediately. When one assignment is complete the officer returns to the break room and goes to the end of the queue. Sometimes all officers are on assignment, sometimes there are multiple officers in the queue.

When work volume is low, Court Detail Officers fill vacancies or provide relief for officers in other jail functions.

DISCUSSION:

Four issues relating to Court Detail are discussed below:

- How is the workload of Court Detail affected by the number of inmates, hearings, or other factors related to courtroom appearances, and
- Are there options for providing courtroom security for inmates that are less costly than the system used in King County?
- How does Court Detail interact with other criminal justice agencies and how does this affect its workload?
- Are there areas for potential efficiencies in the duties of Court Detail not related to court proceedings?

Relationship of Court Activity to Court Detail Workload

It seems obvious that there should be a strong correlation between the number of pre-trial inmates in jail, the number of hearings for in-custody defendants, and the number of hours needed for the escort and courtroom security functions of Court Detail. Some efforts to analyze these relationships have been attempted, but more needs to be done.

As noted above, analysis by the King County Auditor's Office identified a strong correlation between hours worked by Court Detail and the number of inmates in the jail. However, seasonality and other variation in demand were not factored into this analysis. Other analyses – such as identifying the relationship of hours worked by Court Detail pool officers to the number of in-custody hearings – could not be done because the data were not available. For example, because of data system limitations, it is not possible to determine from Superior Court electronic records whether a defendant in a criminal case is in or out of custody at the time of the hearing. Until such time as good data are available it will not be possible to do rigorous study of this issue.

Courtroom Security

The most time-consuming part of the escort and courtroom security functions of Court Detail is not the escort time, but the time spent in the courtroom with the defendant. This is especially true for trials. As part of the OMP analysis of this operation, other ways of providing courtroom security for in-custody defendants were examined. To that end, the National Institute of Corrections, the National Center for State Courts, and the National Sheriff's Association were consulted. Two other models for providing courtroom security when inmates are present were identified. One is to use deputy sheriffs. Since there is no economy in substituting deputy sheriffs for correctional officers this option holds no promise of economy for King County. Another

common option is to assign this task to bailiffs. However, in the jurisdictions that were contacted, it is the practice to use two, or even three, bailiffs when inmates are in court. This too offers no economy over current King County practice.

Interaction with Other Criminal Justice Agencies

The escort and courtroom security functions of Court Detail begin with the first hearing for an in-custody defendant – either a probable cause hearing or arraignment. For felony matters, the filing decision is made by the King County Prosecuting Attorney's Office. This sets in motion the chain of events leading to other hearings. The number of additional hearings depends upon the circumstances of the case, the number of continuances that occur, plea bargaining practices, and whether or not the case goes to trial. Continuances are the result of the readiness of the parties to proceed, the state of negotiations between the prosecutor and public defender, tactical decisions of one party or the other (usually the defense), and by the willingness of the court to entertain delay. All of these factors are beyond the direct control of DAJD.

In 2002, King County Superior Court had the highest ratio of continuances to proceedings of the seven largest courts in Washington State. According to information published by the Office of the Administrator for the Courts, in that year there was an average of 6.09 proceedings per felony filing in King County and 4.26 hearings continued, cancelled, or stricken. Anything that can reduce the number of hearings continued, cancelled, or stricken will not only improve the efficiency of Court Detail, but of all parties involved in court case processing.

While there are events that are regular and predictable, the demand for escort and courtroom security has substantial elements that are irregular and unpredictable. Judges request that inmates be presented to court at varying times and in varying numbers. For efficient operation of the court, Court Detail must have enough personnel to satisfy this varying demand in a reasonable amount of time during all normal operations. The amount of resources provided is therefore a function of what is considered "a reasonable amount of time" to wait for service under normal circumstances and how long is tolerable under unusual circumstances. Unless resources are very elastic, idle capacity can be seen from time to time in any queuing system. This is true of Court Detail. In an optimized system, the amount and frequency of idle capacity is a function of the system's efficiency and tolerance for delay. With the right data, queuing systems can be analyzed mathematically so as to set resources at a level producing expected delay frequency and duration as a matter of policy.

Other Duties of Court Detail

Functions such as providing relief for officers supervising inmate at Harborview and other community health care providers are affected by the health care issues that arise in the inmate population and by the extent to which outside – versus Jail Health Services – resources are used. Changes in Jail Health Services practices will affect Court Detail workload in this area.

A similar situation occurs with transports of inmates to and from Western State Hospital (WSH). These transports are mainly for competency evaluations. The number of inmates who need competency evaluations exceeds the number who can be seen by evaluators at Western State Hospital. In response to this, the jail was authorized to do local competency evaluations in 2002. This reportedly reduced the number of escorts to Western State. If local evaluations could be expanded, the number of trips to WSH could be reduced.

CONCLUSIONS:

Creating efficiencies in Court Detail operations is largely a criminal justice system issue rather than a DAJD issue. As such this issue is beyond the scope of the OMP and is a matter for the Criminal Justice Council, or other collaborative body, to address.

Workload relating to medical and mental health services is also determined by factors outside the control of DAJD. Continued collaboration with Jail Health Services, and perhaps negotiations to increase on-site competency evaluations, appear to be the appropriate strategies to manage workload in these areas.

In addition, further study of Court Detail is warranted. Areas for potential study include:

- How will changes in Jail Health Services practices affect trips to Harborview and to other outside medical providers? How will this affect the support services that Court Services provides when inmates are in outside clinics or hospital?
- How would reducing the number of hearings and continuances, or implementing other court case management efficiencies, affect Court Services?
- Would expanding the use of the electronic scheduling system for hearings to additional courts increase efficiencies in Court Detail?
- Can scheduling practices be improved to reduce the number of unscheduled hearings? If so, how would this affect Court Detail?

OPTION 12: EXPAND THE REGIONAL JUSTICE CENTER

BACKGROUND:

The Regional Justice Center (RJC) was planned to permit expansion through construction of up to four additional housing units. If these units were constructed in the same manner as the existing general population housing units at the RJC, they would add 256 beds when operated as single-celled units. This would increase the single-celled capacity of the RJC from 896 beds to 1,152 beds.

The population projection for DAJD does not forecast a need for additional secure detention beds at any time during the next ten years.

CURRENT PRACTICE:

The RJC has fourteen 64-bed housing units. When the number of inmates at the RJC exceeds the facility's single cell capacity a housing unit is double celled to 180 percent of its single cell capacity. Under current DAJD policy this results in the addition of one additional housing unit officer on the first and second shift and one additional relief officer on each shift for every three housing units doubled.

PROPOSED ALTERNATIVE:

Add four 64-bed housing units at the RJC and reduce the use of double celling.

DISCUSSION:

Because an additional officer is needed in each unit on first and second shift, and because additional inmates produce additional workload and the second unit officer requires relief for breaks, single-celled housing units at the RJC are more staff efficient than double-celled units. Since it takes five double-celled units at the RJC to add the equivalent capacity of four housing units, new construction should result in needing fewer FTEs. The next two tables show the number of FTEs needed to double cell five double-celled housing units and the number needed to staff four single-celled units.

Correctional Officers Required: Double Cell Five RJC Units

Correctional Officers	Shift			Posts	FTEs	Beds	Maximum Inmates
	1st	2 nd	3rd				
Unit 1 officers	1	1		2	3.56	51	48
Unit 2 officers	1	1		2	3.56	51	48
Unit 3 officers	1	1		2	3.56	51	48
Unit 4 officers	1	1		2	3.56	51	48
Unit 5 officers	1	1		2	3.56	51	48
Relief officer posts	2	2	2	6	10.68	51	48
Total	7	7	2	16	28.48	255	240

Correctional Officer FTEs Required: Four New RJC Units

Correctional Officers	Shift			Posts	FTEs	Beds	Maximum Inmates
	1st	2nd	3rd				
Unit 1 officer	1	1	1	3	5.3	64	61
Unit 2 officer	1	1	1	3	5.3	64	61
Unit 3 officer	1	1	1	3	5.3	64	61
Unit 4 officer	1	1	1	3	5.3	64	61
Relief officer post ¹¹¹	1	1	1	3	5.3		
Total	5	5	5	15	26.7	256	244

As illustrated by these two tables, the net difference in staffing five double-celled units and four single-celled units is one post or 1.78 FTEs. Since both approaches add essentially the same capacity, the difference between these two approaches is 1.78 FTEs.

Using the 2004 average annual cost per correctional officer, annual savings are about \$143,000. Using a three percent inflation factor and eight percent real discount rate, the twenty year present value savings of 1.78 FTEs is about \$1.8 million – an amount far less than the cost of constructing four additional units at the RJC.

CONCLUSIONS:

It would take five double celled units at the RJC to add the equivalent capacity of constructing four new housing units. While singled celled units at the RJC are more staff efficient than double celled units, the cost difference is not great and there is far too little financially advantage to offset the cost of constructing new units.

FISCAL IMPACT:

The capital cost of adding additional units at the RJC has not been estimated. However, given the relatively small savings in operating costs shown above, is it unnecessary to do so.

OTHER CONSIDERATIONS:

Expanding capacity at the RJC would expand the department's direct supervision capacity. Direct supervision is considered a best practice. Facilities operating under the direct supervision model generally experience less violence and less property destruction compared to indirect supervision facilities.

SUPPORTING CALCULATIONS/DISCUSSION:

Per current DAJD policy, when a unit at the RJC is double celled, the capacity of the unit increases from 64 to 115 beds and DAJD adds a second officer on the first and second shift and one additional relief officer per shift for each three units double celled. Depending on how many units are doubled, this adds from between 3.56 and 5.34 FTEs for each additional 51 beds.

If new units were constructed DAJD would presumably add an officer to provide relief for breaks for the additional officers needed for the new units and to support other functions

¹¹¹ It is assumed that one relief officer is sufficient for four new housing units (as opposed to two for five double celled units) because under the single-cell configuration no relief is provided during meal breaks. If a second relief officer were needed, there would be no cost advantage of new construction over double celling five units..

performed by relief officers related to overall population levels. In addition, one additional officer would be needed for each housing unit on each shift.

Double Cell Five RJC Units – Additional Staff Needed When Doubled

Correctional Officers	Shift			Posts	FTEs	Beds	Maximum Inmates
	1st	2 nd	3rd				
Unit 1 officers	1	1		2	3.56	51	48
Unit 2 officers	1	1		2	3.56	51	48
Unit 3 officers	1	1		2	3.56	51	48
Unit 4 officers	1	1		2	3.56	51	48
Unit 5 officers	1	1		2	3.56	51	48
Relief officer posts	2	2	2	6	10.68	51	48
Total	7	7	2	16	28.48	255	240

Construct Four New RJC Units

Correctional Officers	Shift			Posts	FTEs	Beds	Maximum Inmates
	1st	2 nd	3rd				
Unit 1 officer	1	1	1	3	5.3	64	61
Unit 2 officer	1	1	1	3	5.3	64	61
Unit 3 officer	1	1	1	3	5.3	64	61
Unit 4 officer	1	1	1	3	5.3	64	61
Relief officer post ¹¹²	1	1	1	3	5.3		
Total	5	5	5	15	26.7	256	244

¹¹² It is assumed that one relief officer is sufficient for four new housing units (as opposed to two for five double celled units) because under the single-cell configuration no relief is provided during meal breaks. If a second relief officer were needed, there would be no cost advantage of new construction over double celling five units..

OPTION 13: REPLACE KCCF

BACKGROUND:

The KCCF was designed and constructed in the early 1980's as a pioneer in a new generation of high-rise urban jail designs. Subsequent generations of jail design had the benefit of learning from the early "modern" jails such as KCCF and from the evolution of the direct supervision management concept. Other initiatives, such as the National Institute of Corrections "Planning of New Institutions" (PONI) program, helped jail managers and the architects they hired better understand the relationship between design, correctional supervision, and operating costs. In short, if King County were to build a new high-rise jail today it would look substantially different than the current downtown jail.

Sometime in the future – perhaps the far distant future – the King County Correctional Facility will be replaced. The question is: would a new jail result in lower operating costs?

CURRENT PRACTICE:

There are five double-tiered floors in the KCCF tower that have inmate housing. The top floor (floor 11) houses the highest security inmates in the DAJD system in two single-celled housing units. The four floors below that each have two housing units with cells and one housing unit with dormitories. The seventh floor houses most of the inmate population requiring significant mental health services. The remaining floors are, for the most part, used for general population housing. The maximum capacity of the KCCF tower is limited by the Hammer Settlement Agreement to 1,262 inmates.

A typical floor in the KCCF tower has one officer in each housing unit 24 hours a day, seven days a week; two Activity Officers on the first and second shift seven days a week; and one Floor Control Officer 24/7.¹¹³ This equates to about 28.5 FTEs per typical floor. Because of their special populations, the 11th and 7th floors have fewer inmates and a few more staff.

PROPOSED ALTERNATIVE:

Replace the KCCF with a modern, direct supervision jail with housing units similar to those at the RJC.

DISCUSSION:

Under normal, single celled, operation there are 8.53 inmates per correctional officer FTE at the RJC. The following table shows how the facility is currently staffed.

¹¹³ Two of the three housing unit posts on the third shift on a typical floor in the KCCF tower are what is known as "intermittent posts." This means that the officer does not always have to be present and may leave the unit for regular breaks and to perform other duties.

Correctional Officer Staffing for RJC Housing Operations
(Single cell configuration)

Correctional Officers	Shift			Total Posts	FTEs	Max Inmates	Inmates per FTE
	1st	2nd	3rd				
D Unit	2	2	1	5	8.90	64	7.19
M Unit	2	2	1	5	8.90	64	7.19
N Unit	2	2	2	6	10.68	64	5.99
11 other units	11	11	11	33	58.74	704	11.99
Relief officers	4	4	2	10	17.80		
Total	21	21	17	59	105.02	896	8.53

In contrast, there are currently 8.57 inmates per correctional officer FTE in the tower portion of the KCCF. Current staffing is shown in the following table.

Correctional Officer Staffing for Housing Operations – KCCF Tower
(Excludes staffing and capacity for the infirmary)

Correctional Officers	Shift			Total Posts	FTEs	Max Inmates	Inmates per FTE
	1st	2nd	3rd				
Floor 11							
Unit officers	2	2	2	6	10.68		
Floor control	1	1	1	3	5.34		
Activity officers	2	2	0	4	7.12		
Total	5	5	3	13	23.14	96	4.15
Floors 8, 9, 10							
Unit officers	3	3	3	9	16.02		
Floor control	1	1	1	3	5.34		
Activity officers	2	2	0	4	7.12		
Total per floor	6	6	4	16	28.48		
Total - 3 floors	18	18	12	48	85.44	932	10.91
Floor 7							
Unit officers	4	4	4	12	21.36		
Floor control	1	1	1	3	5.34		
Activity officers	2	2	1	5	8.90		
Total	7	7	6	20	35.60	208	5.84
Tower Total	30	30	21	81	144.18	1236	8.57

What this analysis shows is that there is virtually no difference in overall inmate to officer ratios between the two facilities.

Obviously, the number of inmates per officer increases if the size of the unit is increased and the number of staff stays the same. For example, if the unit size at the RJC was 72 – a size exceeded by less than 30 percent of the 50 direct supervision facilities reviewed by the OMP Team – the ratio of inmates to officers would be 9.6 to 1. If that ratio could be maintained for a replacement facility of 1,236 beds there would be a need for 128.8 FTEs, or about 15.4 fewer correctional officer FTEs than current KCCF operations.

While a reduction of 15.4 FTEs is equal to nearly \$1.25 million at 2004 costs per correctional officer, assuming a three per cent inflation rate and eight percent real discount rate, the 20-year present value of savings of this magnitude would be less than \$15.5 million – only a small fraction of the cost of a new jail.

CONCLUSIONS:

There is essentially no difference in the staff-to-inmate ratios required for inmate housing at the KCCF tower and the RJC when the latter is single celled. Since the RJC is less staff efficient when units are double celled, there are circumstances when the KCCF actually uses less staff per inmate for housing operations than the RJC. Consequently, no operating cost savings should be expected if a new “staff efficient” jail were constructed.

Replacement of the KCCF with direct supervision housing units larger than 64-beds would make a new facility more staff efficient than the RJC. The maximum size of a unit that can be staffed by one person is a matter of policy, however units with more than 72 inmates per officer are uncommon.¹¹⁴ The savings generated by using a 72-bed unit (or even units much larger than this) would offset only a small fraction of the cost of a new jail.

Direct supervision is considered by correctional experts to be a best practice. It is generally associated with fewer assaults on staff and other inmates and with less property damage. While these issues have cost implications – particularly if there are major incidents resulting in litigation – the relative value of direct supervision facilities over the older model represented by the KCCF cannot be quantified.

FISCAL IMPACT:

The cost per inmate of housing operations is essentially the same at the KCCF tower as the RJC. Consequently, there would be operational cost savings resulting from replacement of the KCCF only if direct supervision housing units – staffed by a single officer – were larger than 64-beds. Potential cost savings resulting from using larger units, while not insignificant, would be far less than the cost of a new jail.

Capital costs would, of course, be very large. In addition to the cost of building a new jail, such a project would also require either demolition or major remodel of the existing facility. The value of the existing facility - even if only the value of the land upon which it sits - could offset some of the cost of new construction.

Capital costs have not been estimated for this option, nor, given the relatively small savings in operating costs, is there a need to do so.

OTHER CONSIDERATIONS:

The KCCF houses the highest security inmates and essentially all of the seriously mentally and physically ill. Since these populations require greater staffing than general population inmates, the fact that the KCCF tower uses essentially the same number of staff per inmate for housing operations as the RJC suggests that the KCCF tower is, in fact, the more staff efficient of the two.

¹¹⁴ In an analysis of 50 direct supervision jails with between 500 and 2,000 beds the OMP Team found that 36 of them had 72 or fewer inmates. The 64-bed RJC configuration was used by 20 of the 50 facilities.

On a new site, construction costs for a new jail might be substantially increased if a secure connection to the county courthouse were constructed. If a secure connection were not provided, operating costs for inmate transports would increase.

OPTION 14: USE THE WEST WING FOR WORK RELEASE

BACKGROUND

DAJD currently operates a work release facility for male inmates on the 10th and 11th floors of the King County Courthouse. Only lower risk, "community custody," inmates are eligible for work release.¹¹⁵ The work release facility occupies the space (and some of the cells) of the original county jail that was closed after opening the KCCF. It has the capacity to hold up to 170 inmates.

The West Wing of the KCCF was originally designed to be a work release facility, but only briefly used as such. Instead, when occupied, the West Wing has generally been used to house minimum custody inmates, including male trustees and females. Due to its design and construction, the West Wing is unsuitable for inmates of higher custody levels.

One significant consideration about whether to use part of the West Wing for work release is how it would affect DAJD capacity for secure confinement in the future.

The May 2003 jail population forecast is discussed in detail in Chapter 5, "Long Range Needs." That forecast provides the basis for testing how various scenarios involving use of the West Wing would affect future system capacity. Among other findings, the analysis in the Long Range Needs chapter concluded that in future years it will become increasingly difficult to find suitable inmates for work release and other placements that require community custody classification. This is because misdemeanants make up most of the community custody population and the Jail Services Agreement between the county and contracting municipalities includes planned reductions in the number of jailed city-responsibility misdemeanants.

As noted in Chapter 5, there is considerable variation in jail population levels above and below the average for the month. About two-thirds of the time the jail population should be within the range of the average daily population plus or minus one standard deviation. This typically leaves about five days per month when the population will exceed the ADP plus one standard deviation. For this analysis we use the average daily population plus one standard deviation as the forecasted population level.

The sensitivity of the forecast to changes in forecast assumptions is discussed later in this document.

THE ROLE OF THE RJC IN SECURE CONFINEMENT CAPACITY

When the KCCF is full – including the West Wing - the RJC is the shock-absorber in DAJD system capacity. When all other secure confinement beds are full, capacity can be increased by double celling units at the RJC. For every unit doubled, RJC capacity increases by 51. Theoretically, up to 11 units at the RJC can be double celled.¹¹⁶ System capacity is exceeded when all 11 units at the RJC are double celled and there is still a need for beds.

¹¹⁵ Community Custody is the lowest risk classification in DAJD's objective classification system. Custody classifications range from Community Custody to Maximum Custody.

¹¹⁶ Not all 11 units at the RJC have two bunks installed in the cells.

In addition to overall system capacity issues, there are also threshold costs associated with RJC population levels considerably below that experienced when eleven units are doubled. Based on analysis for the ISP, when the RJC population exceeds 1,100, additional costs on the order of \$22,000 per month are incurred for adding a second shift at the RJC Jail Health clinic. Another \$6,000 per month is added when the population exceeds 1,200 as an additional transport correctional tech is added. At RJC population levels greater than 1,300, Jail Health would greatly increase its presence and DAJD would add another transportation team to move inmates between the RJC and KCCF. The cost of these last additions is estimated to be about \$37,000 per month. These threshold costs are cumulative, that is, the cost per month at populations between 1,200 and 1,300 is about \$28,000 and the cost at populations above 1,300 is about \$66,000 per month.¹¹⁷

Since the RJC is the shock-absorber in DAJD system capacity, one way to examine the effects of alternative uses of the West Wing is to see how each scenario affects population levels at the RJC. A population and system capacity forecast model was developed to examine these effects. The model compares, month by month, the demand for secure confinement beds with DAJD's secure confinement capacity. During the ISP secure confinement decreases in conformance with the construction schedule and inmate movement plan.

The model includes switches to predict the effect of opening or closing some or all of the West Wing. Additional features allow use of the projected average daily population, the average plus one standard deviation, or the average plus two standard deviations. The ADP forecast can also be adjusted up or down by applying a multiplier to the May 2001 forecast.

After setting assumptions, the model identifies how many units at the RJC will have to be double celled. It also identifies when RJC populations exceed the 1,110, 1,200, and 1,300 thresholds. Times when secure confinement system capacity is exceeded are flagged in red.

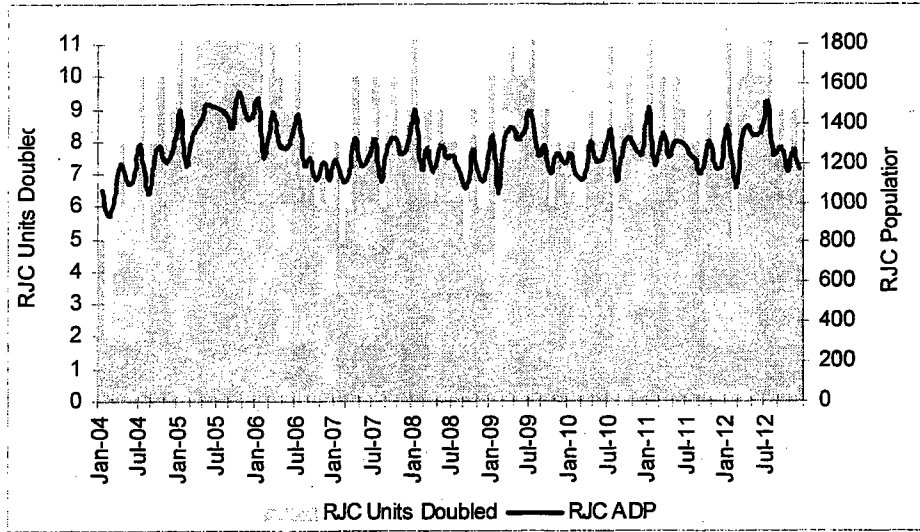
As a starting point, based on the May 2003 jail population forecast, if the West Wing is not opened, there will be numerous months during the ISP project when there will be insufficient system capacity to accommodate all offenders needing secure confinement. However, if the West Wing continues to be closed, or is otherwise unavailable for secure confinement, there are also a number of months after the ISP is completed when system capacity is exceeded. This situation is illustrated in Figure 13.1.¹¹⁸ Note that the ISP is completed in 2006 and that 11 is the maximum number of units at the RJC that can be double celled.

¹¹⁷ Figures don't add due to rounding.

¹¹⁸ According to the March 2003 ISP construction schedule, ISP capacity reductions occur at the KCCF from December 2004 through July 2006.

Figure 13.1: RJC Population and Number of Units Double Celled

ASSUMPTIONS: West Wing closed; system population = 100% of May 2001 ADP Forecast + 1 std. dev.



As figure 13.1 illustrates, since system capacity is periodically exceeded, this is clearly an untenable situation.

THE IMPACT ON SYSTEM CAPACITY OF USING THE WEST WING FOR WORK RELEASE

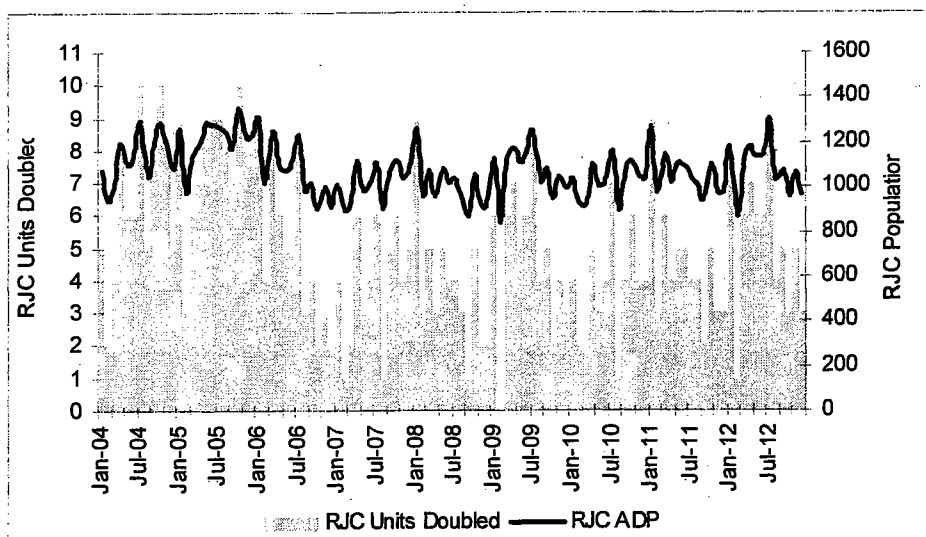
There are two logical locations for work release in the West Wing: floors two and three, or floor four. With a capacity of 178 beds, floors two and three constitute a better fit for a relocated Work Release than the somewhat larger fourth floor.

If floors two and three in the West Wing are used for work release, system capacity for secure confinement is reduced by 178 beds. If the security issues related to shared use of the first floor of the West Wing by work release and minimum custody inmates can be solved (see Policy Considerations, below), the 213 minimum security beds on the fourth floor of the West Wing would still be available for minimum custody inmates needing secure confinement.

Figure 13.2 shows how use of West Wing 2/3 for work release would affect population levels and the number of units double celled at the RJC. While there are no months when overall system capacity is exceeded, there are many months during the ISP when the RJC population would exceed 1,200 and a few months when the population would exceed 1,300. During the ISP there are usually five or more units double celled.

Figure 13.2: RJC ADP + 1 Std Dev and RJC Units Doubled

ASSUMPTIONS: West Wing 2/3 is Work Release; the rest of the West Wing is minimum security housing; system population = 100% of May 2001 ADP Forecast + 1 std. dev.



During the six years following completion of the ISP, use of the West Wing 2/3 for work release would result in a RJC population greater than 1,100 about 30 percent of the time. This generally requires six or seven units to be double celled. Occasionally – about five percent of the time – the RJC population would exceed 1,200, requiring eight or nine units to be doubled. In current dollars, additional costs of just over \$500,000 would be incurred over this six year period because of these higher population levels at the RJC.

While resulting in the loss of additional capacity, using the fourth floor for work release has several advantages over floors two and three. First, with proper separations, the fourth floor could house both male and female work release. While moving females out of the Reynolds Work Release facility provides no cost advantage, it would free up space in the jail now traded to DOC for female work release beds in Reynolds. A second advantage is that it is likely that a separate entrance to the fourth floor of the West Wing can be created so that there would be no cross traffic mixing work release and minimum custody inmates. If this were done, it would reduce or eliminate the problems that occur when out-of-custody inmates share spaces with inmates in secure confinement.

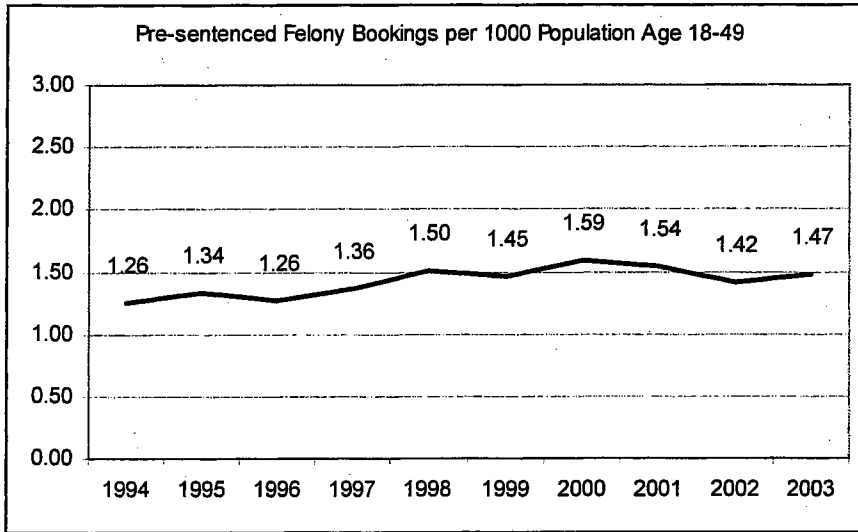
Using the fourth floor of the West Wing for work release does, however, increase the amount of time the RJC population exceeds 1,100 from 30 percent of the time to about 50 percent of the time. It also doubles the number of months when the RJC population exceeds 1,200 from 5 percent of the time to 10 percent of the time. In current dollars the additional costs associated with these higher population levels at the RJC are estimated to be about \$812,000 in current dollars spread out over six years.

Using the West Wing for work release increases the frequency when peak days during the month cause spikes at the RJC to exceed the 1,100, 1,200 and 1,300 thresholds at the RJC. If the fourth floor were used, this would occur during nearly 70 percent of the months following completion of the ISP.

SENSITIVITY OF POPULATION PROJECTION TO FORECAST ASSUMPTIONS

While forecast assumptions are documented in the May 2003 jail population projection, there was insufficient information provided by the consultant to duplicate the forecast and actually test the sensitivity of the assumptions used. Nonetheless, it is possible to examine many of the assumptions in historical context and express opinions about how different assumptions might affect future jail population levels.

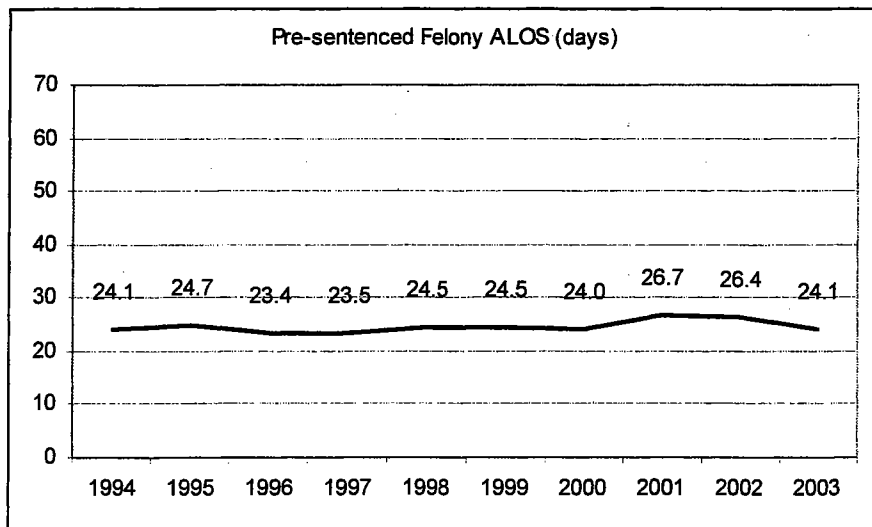
Assumptions were set for booking rates per 1000 population at risk for pre-sentenced felons, pre-sentenced misdemeanants, state holds, and other holds; judicial decisions to sentence to jail for felons and misdemeanants; and average length of stay for each of these categories. Separate assumptions were set for men and women. For the most part, baselines were established for each assumption based on averages or trends over the previous 12 to 24 months. Changes from baseline were projected into the future for 18 to 36 months and then held constant.



Assumptions for the pre-sentenced felony admissions were based on the average booking rate for the previous 18 months for men and the previous 24 months for women. Since the forecast was completed in May 2003, the prior two years are 2001 and 2002. The average booking rate during these years was 1.48 per 1000 population age 18 to 49. This is lower

than the 10 year high experienced in 2000 but above the 10 year average of 1.42. However, the booking rate in the last five years has averaged 1.50, with the most recent years being the lowest. This suggests that continuation of the booking rate for the 18 to 24 months may be a somewhat optimistic assumption.

The other factor that determines how many pre-sentenced felons are in jail is the length of time they stay there. The May 2003 forecast states that the 2001 pre-sentenced felony average length of stay (ALOS) was about four weeks and it assumes that the ALOS will increase to 35 days over the first 18 months of the forecast.



Unfortunately, the methodology used in the May 2003 forecast cannot be duplicated with available data. As understood by the OMP team, the method used in the 2003 forecast to calculate average length of stay by assigning all jail days following a pre-sentenced bookings to that booking, regardless of whether the offender's status changes from pre- to post-sentenced during the stay. That is, if a defendant comes in on a new felony charge and remains in jail through and beyond sentencing, all days are counted in the pre-sentenced felony average length of stay.

In contrast, data available to the OMP team divides average daily population into pre- and post-sentence and reports bookings by the same categories. In theory, with these data, it is possible to calculate average length of stay.¹¹⁹ Indeed, this is the way DAJD has historically made this calculation. This approach has its own limitations since it does not recognize a change in status from pre- to post-sentence as equivalent to a post-sentence booking. Consequently, the denominator in the ALOS equation is the same for the May 2003 forecast as that used by the OMP team but the numerator is different. This explains why the pre-sentence ALOS for the May 2003 forecast is longer than the ALOS calculated by the OMP team.

Since the numbers are not comparable, the best that we can do is compare the historical variation in average length of stay as calculated from available data with the proposed variation in the 2003 forecast. The discussion about pre-sentenced felony length of stay in the 2003 forecast assumptions document notes that the male LOS in 1990 was about three weeks and that by 2001 it had increased to "beyond four weeks." It then forecasts an increase to 35 days over the next 18 months. In other words, the forecast assumes as great an increase during the first 18 months of the forecast as occurred over the 120 months of the 1990's.

The data used by the OMP team only goes back to 1994. As calculated using available data, the maximum variation in ALOS between 1994 and 2001 was 3.3 days, or about half that reported by the 2003 assumptions report to have occurred in the 10 years prior to 2001.

While it is possible, it does not seem likely that the average length of stay should increase by a week in only 18 months. Indeed, as calculated by the OMP team, the average length of stay for 2003 was actually 2.6 days shorter than in 2001. And while the calculated ALOS for the first four months in 2004 is 1.1 days longer than in 2003, it still is not as long as when the forecast was made.

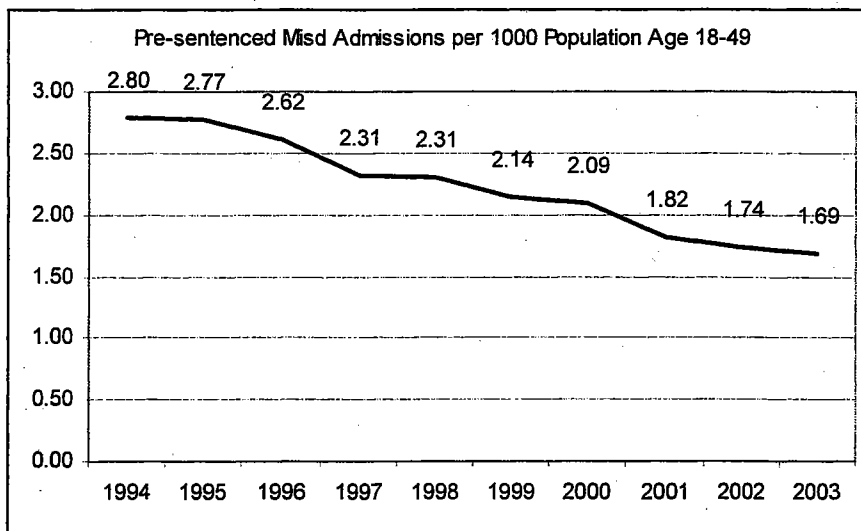
As a result of this analysis we conclude that the ALOS assumption appears to be conservative. However, the somewhat optimistic assumption for pre-sentenced felony *bookings* offsets the conservatism in the ALOS assumption. Taken together, the two assumptions in the May 2003 forecast predict a small decline in the pre-sentenced felony population between 2001 and 18 months later. In fact, that did happen. The pre-sentenced felony population decreased between 2001 and 2003. More recent data for 2004 shows the pre-sentenced felony population increasing again, but still lower than the 10 year high experienced in 2001.

¹¹⁹ ALOS (in days) = (ADP during period x number of days in period) / Bookings during period

There are two components in the misdemeanor forecast: one for city-responsibility misdemeanants and another for county-responsibility misdemeanants. The city-responsibility forecast is based on the planned reduction in city-responsibility inmates in the Jail Services

Agreement that the county has with contracting municipalities.

The county responsibility forecast assumes that the booking rate for pre-sentenced misdemeanants will remain at the average experienced over the last two years. As the chart to the right shows, there has been a steady and dramatic decrease in the pre-sentenced misdemeanor booking rate over the last ten years. The average booking rate for pre-sentenced misdemeanants in 2001 and 2002 was 1.78, a rate that appears conservative.



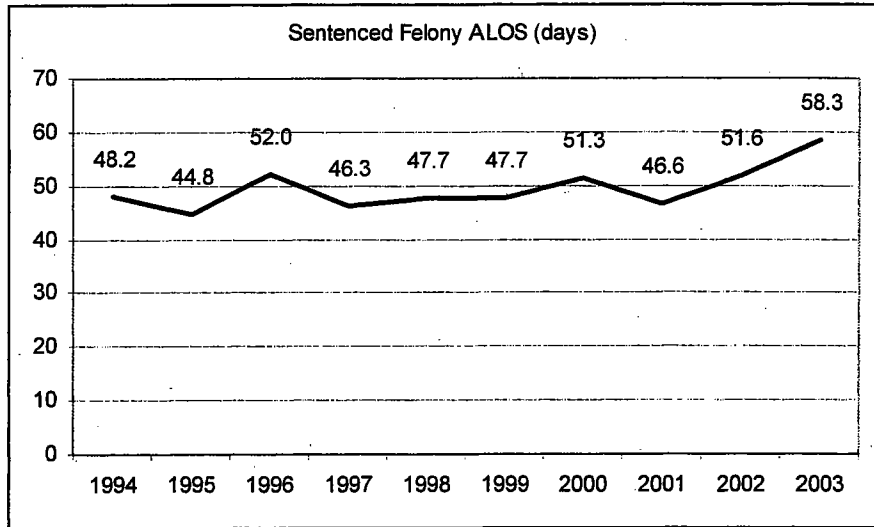
On the other hand, while the downward trend has been going on for a long time, the rate of change experienced over the last ten years cannot continue indefinitely and must inevitably flatten out sooner or later. Nonetheless, given historic trends and the experience of one more year, it appears that this assumption may be somewhat conservative.

The other factor that determines the number of pre-sentenced misdemeanants in jail is the length of time they stay there. The forecast assumption is that the ALOS for this group will remain constant at about 4.5 days. This, according to the *Forecast Assumptions Report*, is what has been experienced for county-responsibility inmates recently. If so, county pre-sentenced misdemeanants have historically had a shorter length of stay than city-responsibility inmates. The OMP consultant does not have the data to distinguish between city and county-responsibility inmates and cannot express an opinion about this assumption. However, according to OMP calculations, the 10 year average length of stay for all pre-sentenced misdemeanants has been 5.9 days with the length of stay generally increasing over the course of the decade. (For example, during the last five years, the ALOS for this group has been 6.3 days.)

While, on the face of it, it appears that the length of stay assumption for pre-sentenced misdemeanants may be considerably optimistic, adding a day-and-a-half to a 4.5 ALOS would increase the pre-sentenced county-responsibility misdemeanor population over the May 2003 forecast by less than 30. In other words, system capacity is not materially affected by assumptions relating to this group.

The population projection assumes that there will not be any change in judicial decisions to sentenced either felons or misdemeanants to jail. In the absence of changes in law or judicial behavior, there is little reason to question this assumption.

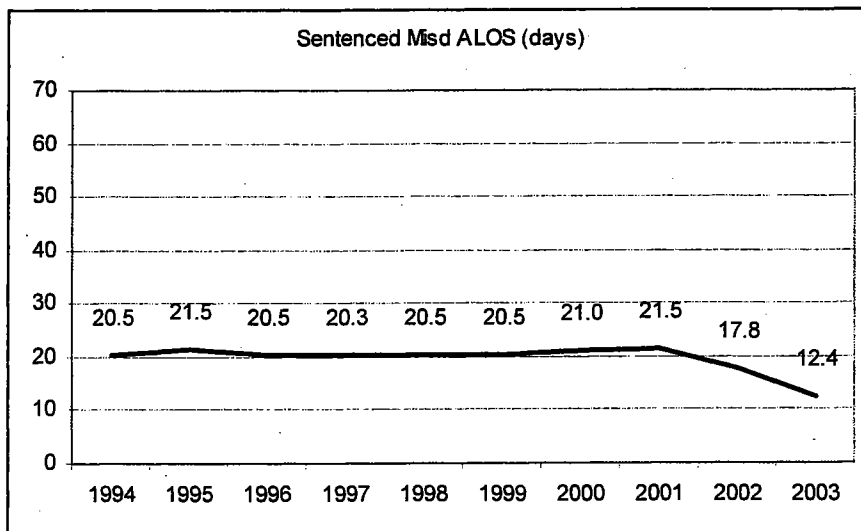
The May 2003 population projection assumes that the average length of stay for sentenced felons will “gradually return to about five weeks.” The methodology used by the forecast consultant is clearly different than that used by DAJD to calculate post-sentence lengths of stay. Indeed, according to DAJD data, sentenced felony lengths of stay have consistently been one to two weeks longer than this over the last ten years.



Since the consultant points out that current lengths of stay are “just less than five weeks,” the assumption to gradually return to five weeks and then remain constant is essentially an assumption of little or no change. However, data from DAJD indicate a significant increase in sentenced felony average length of stay in recent years. While it is difficult to reconcile these differences, it appears that the forecast may be overly optimistic in its estimate of sentenced felons in the jail in future years.

With the number of sentenced felony admissions implied in the May 2003 forecast, each time the ALOS for this group increases by a week, there would be 60 to 70 more inmates in the jail by the end of the decade than is forecast by the May 2003 projection. Based on the variation in average length of stay for sentenced felons over the last year, an increase of more than a week seems unlikely.

As with sentenced felons, there is also a large difference in the forecast consultant’s calculation of sentenced misdemeanor lengths of stay and that reported by DAJD. In this case, however, the forecast consultant has a longer ALOS than DAJD.



The assumption used in the population projection is that “the 24 month average of about 29 days” will continue. As the chart to the right shows, DAJD has never reported an average length of stay for sentenced misdemeanor this long. Furthermore, there has been a sharp reduction in the average length of stay for sentenced misdemeanants

in the last two years. This change is likely due to a variety of factors, including cities moving misdemeanants to Yakima and other contract facilities and increased use of partial confinement and other community placement options.

Given the history during the previous ten years, a conclusion based on data through 2002 that the recent ALOS for sentenced misdemeanants will continue, seems appropriate. It is only the last two years that have shown a significant change in the ALOS for this group. If the trend does not reverse, the forecast assumption may be conservative. A shortening of the ALOS for this group of a week would reduce the number of sentenced misdemeanants in the jail by about 55 to 65 inmates by the end of ten years.

The forecast assumes no change in admission rates and average lengths of stay for state and other holds from that experienced in recent years. DAJD data indicate considerable fluctuation in the number of state holds and relative stability in holds for other jurisdictions over the last ten years. In reality, it is changes in state law and practice regarding DOC inmates on community supervision that has the largest impact on state holds. Recent changes in law suggest that state holds will decrease. The impact of this, however, has already been taken into account in OMP adjustments to the May 2003 forecast.

The following table summarizes issues relating to forecast assumptions.

Summary of Forecast Assumptions and OMP Observations

Forecast Category	Forecast Assumptions		OMP Observations
	Admission Rate	LOS	
Pre-sentenced felons	Average for last 18 to 24 months	Increase from current LOS to 35 days	Booking rate may be optimistic. LOS appears pessimistic. Little or no upside risk but 44% of jail population.
Sentenced felons	No change from recent experience	Small increase over recent experience	Admission rates have gone down for five years; LOS increased sharply in last two years. Some upside risk – perhaps 60 to 70 more inmates 10 years from now.
City-responsibility misdemeanants	Based on Jail Services Agreement	Based on Jail Services Agreement	Populations will decline per agreement with contracting cities
County-responsibility Pre-sentenced misdemeanants	Average for last 2 years	No change from recent experiences	Admission rates have gone down for 10 years; LOS fairly stable. Outcome not particularly sensitive to changes in assumptions.
County-responsibility Sentenced misdemeanants	No change from recent experience	Use average for last 24 months	Admission rates have gone down for five years; LOS decreased over the last two years. Little or no upside risk.
State holds	No change from recent experience	No change from recent experience	Affected by state law and DOC practice. Unknown risk.
Other holds	No change from recent experience	No change from recent experience	Booking rates and ALOS have been stable for a long time. Accounts for only 3% of jail population.

The sensitivity of the population projection is not only subject to forecast assumptions, but to the size of the each category of inmate to which the assumptions apply. Far and away the largest component of the inmate population is pre-sentenced felons who made up 44 percent of the jails population 2003. The following table shows the number and percent of total population for each forecast category.

Average Daily Population and Percent of Total – by Forecast Category

Forecast Category	2003 Average	% of Total
Pre-sentenced felons	1,063	44.4%
Sentenced felons	298	12.5%
Pre-sentenced misdemeanants ¹²⁰	302	12.6%
Sentenced misdemeanants ⁴	272	11.4%
State holds	386	16.1%
Other holds	71	3.0%
Total	2,392	

Clearly, any change in admissions or length of stay for pre-sentenced felons will have a much greater effect on the jail than changes in any other forecast category. For example, a 20 percent increase in admissions or length of stay would add 300 inmates to the May 2003 forecast by the end of ten years. However, since the forecast already includes a 25 percent increase in the average length of stay, additional increases of this magnitude are highly unlikely.

While the overall impression is that the forecast assumptions result in a somewhat conservative estimate with relatively low risk of significantly higher populations, it doesn't take much change in the projection to affect system capacity if some of the West Wing is used for work release. The following table shows the percentage of the time that the RJC exceeds the 1100, 1200, and 1300 thresholds based upon how the West Wing is used and if the May 2003 forecast is correct, 1% low, 3% low, or 5% low. As this table shows, if the forecast is as little as 3% low, use of the West Wing for work release will result in system capacity being exceeded on rare occasions.

The Effect of Using the West Wing for Work Release on RJC Populations With Varying Forecast Accuracy¹²¹

Scenario	% of Forecast	% of Months RJC Population is Greater than			
		1100	1200	1300	System Capacity
Do not use West Wing for Work Release	100%	Never	Never	Never	Never
	101%	1%	Never	Never	Never
	103%	6%	Never	Never	Never
	105%	6%	1%	Never	Never
Use West Wing 2/4 for Work Release	100%	31%	6%	1%	Never
	101%	36%	10%	1%	Never
	103%	54%	18%	6%	1%
	105%	68%	36%	10%	4%
Use West Wing 4 for Work Release	100%	39%	10%	3%	Never
	101%	46%	15%	6%	Never
	103%	67%	32%	6%	1%
	105%	79%	44%	15%	6%

¹²⁰ Includes both city- and county-responsibility inmates

¹²¹ The baseline population is equal to the projected average daily population plus one standard deviation.

While the May 2003 forecast has been generally reliable in its forecast of total inmate population during the first year of the projection, the reliability is in the aggregate and not in the components of change. Specifically, city misdemeanants have been leaving much faster than anticipated while total ADP has remained on target.

In conclusion, while the assumptions in the May 2003 forecast do not appear to err on the low side, the experience of the last year suggests that trends may not be developing as anticipated. And, since small changes in the overall population projection can significantly affect how intensively the RJC must be used, decision makers will have to carefully weigh their confidence in the forecast against the risks of being wrong.

POLICY CONSIDERATIONS

Moving work release out of the courthouse and into the West Wing results in the permanent loss of at least 178 beds suitable for secure confinement of minimum custody inmates. This is slightly less than the capacity provided by three single-celled units at the RJC. Since there is space for only four additional units at the RJC, replacement of this secure confinement capacity by building new RJC units would reduce system growth potential at that location to a single 64-bed housing unit.

The West Wing was not designed to house both work release and minimum custody inmates. Unless a separate entrance can be provided just for work release, work release and minimum custody inmates would pass through the same first floor corridors. This would occur when the former went to and from work and the latter used the visiting, yard-out, and the multi-purpose room on the first floor. While these inmates could be routinely time-separated in their use of this space, sharing the same area greatly increases the ease of passing contraband. Furthermore, despite the best of procedures, it is inevitable that there will be times when work release and minimum custody inmates pass each other in this area. Most contraband items – like drugs – are very small and easy to hide. Co-use of areas by work release inmates who spend much of their day out in the community and minimum custody inmates in secure confinement is poor practice.

Several options for separating work release and minimum custody inmate entry into the West Wing have been considered. One is to construct a new entrance to the fourth floor off James Street. While this is probably a workable solution, it likely would require creation of a new 24-hour post to control access to the building. A more promising idea is to use either elevator 9 or 10, which are presently used primarily by staff entering the building through the parking garage. While these elevators do not presently serve the West Wing, they could be made to do so. Use of one of them by work release inmates would require returning inmates to go through reception at the main entrance to the building. Since this post is already staffed 24-hours a day, no additional staff would be needed to control access to the work release facility.

COST CONSIDERATIONS:

An important factor in considering using part of the West Wing for work release is to free up space in the King County Courthouse for other uses. Unfortunately, according to the Facilities Management Division (FMD), removing work release from the courthouse is very expensive. Part of the reason is that the two levels of cells in work release hold up the floor above. Removing them would therefore require structural changes in the building. According to FMD the cost of such work at the present time would be about \$300 per square foot. If the work were

done later – after the crane currently being used for the seismic upgrade of the building is removed – the cost would be greater. Even at \$300 per square foot, the cost of converting the existing work release space to office space is much higher than the estimated \$170 to \$200 per square foot estimate to add the equivalent amount of area to the new office building proposed for King County.

CONCLUSIONS:

While the West Wing would be a suitable place to have work release it would result in the loss of minimum security capacity for DAJD. Secure detention capacity would be exceeded during most of the ISP if part of the West Wing were used for work release during the time inmates were displaced from floors in the KCCF tower.

Based on the current inmate population forecast, loss of capacity commensurate with the space requirements of work release would result in the RJC population exceeding 1,100 about 30 percent of the time during the six years following completion of the ISP. This would generally require six to seven units being double-celled. The cost premium of this more intensive use of the RJC is not high – approximately \$500,000 in current dollars spread out over six years.

These conclusions are only as valid as the population projection. While, in aggregate, the various assumptions used in the forecast appear reasonable, if the West Wing were used for work release, even a small increase over the projection would result in much greater use of the RJC. Indeed, if West Wing 4 were used for work release, secure capacity would be occasionally exceeded if the forecast proved to be as little as five percent low.

Finally, there is no capital cost advantage of using space vacated by work release in the King County Courthouse for offices compared to the cost of new construction of office space.

OPTION 15: WOMEN IN DETENTION

BACKGROUND:

In 2001 the King County Women's Advisory Board commissioned a study to investigate issues of importance to women incarcerated in the King County jail system. The resulting report, *An Analysis of Services for Women in the King County Adult Detention System*, developed findings and made recommendations relating to housing, health care, parenting, substance abuse, mental health, domestic violence, education, job training, and employment for incarcerated women.¹²²

The report identifies the following issues as the most frequently reported recommendations made by key informants, inmates, and the literature,

- Establish more affordable housing options for women leaving jail, including clean and sober housing for women with children and women in domestic abuse situations.
- Improve discharge planning and linkages between women being discharged from jail including community supports and resources.
- Increase mental health services for women in and out of jail.
- Provide more chemical dependency treatment opportunities for women in and out of jail.
- Provide more small group counseling opportunities for women in jail to address issues such as domestic violence, life skills, self-esteem, job readiness, and self-care.

Domestic abuse and other abuse histories are unfortunately common among female inmates. Most of the recommendations noted above are affected by this situation: the need for housing for women who do not have a safe place to go; mental health services for conditions such as Post-traumatic Stress Disorder; connection to community support systems that cater to the needs of women; and counseling and education services that focus on recovery and skills to deal with past abuse and strengthen personal resources to avoid or escape future abuse.

General life-skills education, including hygiene, budgeting, and making appointments, was another area of need identified in the report.

Issues relating to children generally affect female inmates more than male inmates, as female inmates tend to be the parent with legal custody.

A corollary to the frequent abuse histories and boundary issues that women often bring to jail is a recommendation that female halls be supervised by female staff.

Some inmates are released from jail in the middle of the night, a situation that presents greater risk to women than most men.

The Operational Master Plan team was charged with the responsibility of coordinating analysis and recommendations in the OMP with issues important to women in detention.

¹²² Laura Culberg, MSW, September 19, 2001

CURRENT PRACTICE:

In 2003 there was a daily average of 260 women in secure confinement in King County. This represents 11.7 percent of inmates in 2003. In addition, there was a daily average of 27 women in work release or on electronic home detention (EHD) in 2003.

There is a higher proportion of women at the KCCF than at the RJC and a much higher proportion of women in partial confinement than of men – particularly in EHD. In the March 2004 *Classification Summary of Average Daily Population* report, the distribution of women in DAJD facilities and programs was as follows:

Location of Women in Detention – March 2004

Placement	Seattle	% of Seattle	Kent	% of Kent	Total	% of Total
Secure Confinement						
General Population	145.2	14.4%	78.1	8.3%	223.3	8.9%
Psych/Mentally Ill	9.8	15.2%	1.0	52.6%	10.8	16.4%
Medical	5.1	6.7%	4.4	8.5%	9.5	7.4%
Admin. Seg./PC	3.9	4.8%	0.4	2.3%	4.3	4.5%
Total Secure Confinement	164.1	13.3%	83.9	8.3%	248.0	9.9%
Partial Confinement						
Work Education Release					12.7	9.6%
Electronic Home Detention					25.0	25.0%
Total Partial Confinement					37.7	16.2%
Total Population					290.1	11.6%

Women in KCCF are housed in two units (wings) on the ninth floor. Nine North is an all female unit. Generally, two of the six pods in Nine East are used for women; the others for men. The exact mix will vary as the female offender population goes up and down. Male and female pods are visually separated from each other by blinds and acoustically separated by walls and glass. Women at the RJC are housed in two all-female units. Work release for women is provided in the Reynolds Work Release facility in downtown Seattle.

While a female officer is usually assigned to the female wing on Nine North, this is not always the case. Nor can DAJD require that the women's unit be staffed only with female officers. As interpreted by the Courts, Title VII of the Civil Rights Act of 1964 limits exceptions to discrimination laws to factors that are "reasonably necessary to the normal operation of a particular business or enterprise."

In Nine East, even when a female officer is assigned, separation by gender is compromised by the fact that both male and female inmates occupy different parts of the unit.

Females booked into the KCCF wait in a separate holding area from male inmates. They are dressed out in jail clothing and escorted to the women's intake unit in small groups separate from

male inmates. The open booking area at the RJC is used by both male and female inmates. Men and women are dressed out and escorted to their housing units in separate groups.

While many inmate programs are offered at both the KCCF and RJC, unless an inmate is in a major program such as a housing unit-based substance abuse treatment program, most inmates have limited program time. Space for programs is particularly limited at the KCCF. Since very few programs are offered to men and women simultaneously, and women constitute such a small percentage of the inmate population, it is a challenge for DAJD to provide more or less equal access to programs for women.

Some programs at both the KCCF and RJC are for women only. Examples of programs that have been offered include:

- A King County Public Health program for pregnant women and pre-natal care
- A YWCA program for women leaving jail
- A Planned Parenthood program on Healthy Female Sexuality
- A Women's Domestic Violence and Advocacy Program provided by the Catherine Booth House
- The Salvation Army Women's Shelter Program
- The University of Washington's Parent Child Assistance Program
- A King County Public Health Women's Well-Being Program
- Catholic Community Services clean and sober transitional housing facility for women
- The Women's Brochure – A Guide for Women provides resource information for women leaving jail
- A Domestic Violence Education program provided by the Seattle Indian Health Board

Educational programs and programs for substance abuse and transitional services are offered to both men and women.

Access and participation in programs by women is exacerbated by the fact that women have, on average, shorter lengths of stay than men. The report prepared for the Women's Advisory Board noted that 75 percent of women in DAJD facilities spend seven days or less in jail. Since much of an inmate's early attention and time is taken up by matters relating to court, this leaves less time to participate in programs and for transition planning.

The same factors that affect inmate programs – separation of male and female inmates and limited opportunities – also apply to inmate jobs. For example, to keep separation between male and female inmates, the female kitchen crew at KCCF works a shift in the early hours of the morning.

DAJD changed its policy about releasing inmates in the middle of the night in 2003. No inmates are released between 10:30 pm and 6:30 am unless they post bail or bond during this time.

OMP RESPONSE:

Some of the important issues raised in the report commissioned by the King County Women's Advisory Board are beyond the scope of this OMP and outside DAJD's area of responsibility.

More affordable housing for women leaving jail and increased mental health and substance abuse treatment programs in the community fall into this category.

However, there are important issues that are not beyond the scope of the OMP or DAJD's area of responsibility. Among these are: improving discharge planning and linkages to community resources after release from jail, expanding program opportunities, and addressing issues concerning jail management.

There are two issues considered by the OMP that affect discharge planning and transition services: the first has to do with improved data systems and integration of systems used by classification. Accurate information rapidly obtained is an important ingredient in being able to do effective discharge planning and to identify the resources that are appropriate and available after release. The second issue concerns changes being made in Jail Health Services practices. The more aggressive, pro-active approach to early intervention and prevention services, and the streamlining of collecting and retrieving data on inmates by adopting electronic medical records, is an integral part of JHS's planned improvements. Both the Jail Health Services' consultant and the OMP health care consultant stressed the importance of discharge planning and enhancing linkages with community resources. The new business plan put forth by Jail Health Services reflects this increased emphasis on transition services.

The OMP has not directly dealt with the issue of inmate programs. It has noted that program opportunities are limited in part by lack of space in which to provide them. This is especially true of the KCCF. Several ideas raised by the OMP improve DAJD's ability to offer more inmate programs. One such example is Option 5, "Remodel KCCF for Direct Supervision". It creates new multi-purpose rooms in each wing of the KCCF tower, greatly increasing the ability of DAJD to offer inmate programs. The women's unit on Nine North, for example, would have its own dedicated multi-purpose room. Using Four West for minimum security female offenders (an idea discussed in the next paragraph) would also add more program space just for females. Finally, the technology used in video visiting can be used to deliver programs electronically to inmates in each housing unit.

An issue raised by the Women's Advisory Board report concerning female work release is indirectly related to programs for women. Because DAJD has an agreement with the Department of Corrections to trade jail beds for work release beds for women in the (state funded) Reynolds Work Release facility, the work release experience for women in King County is more like a state work release program than a county one. Since inmates coming out of DOC spend much more time in work release than most women under county jurisdiction, the programs at Reynolds are more attuned to inmates with longer sentences and work release stays.

With regard to specific programs, it should be noted that the common interpretation in correctional circles of equal access to programs does not necessarily mean that women should have equal access to the *same* programs that are available to men. Equal opportunity means that if programs that are appropriate for men are available to them, there should also be programs that are appropriate for women available to women.

One of the options for possible relocation of work release in the West Wing would provide the opportunity to consolidate work release for men and women in one place under county control.

Improving living conditions for female inmates in the jail is, in part, dependent on providing more dedicated space for female housing at the KCCF. As noted above, the KCCF has a women's unit plus an overflow unit that houses both men and women. Eliminating the overflow unit, so that all women are housed in all-female living units, is a desirable outcome. One way to do this is to create a women's minimum security housing unit in the West Wing when it opens for the ISP. Four West, the western most portion of the West Wing, has been used for female offenders in the past. Opening this 90-bed unit for women should eliminate the need for overflow housing for females in the tower.

Another way to reduce the need for overflow housing involves more intensive use of the RJC for women inmates. As noted in the table showing the placement of women in secure and partial confinement, women are somewhat disproportionately represented in KCCF general population housing. While there are important reasons why a person might be placed at one facility rather than another – such as case assignment and proximity to family and community support systems – if general population women represented the same proportion of each facility as they do of all general population inmates, there would have been an average of 100 women in general population housing at the KCCF and 93 at the RJC in March 2004. Since the capacity of the women's unit on Nine North is 96 beds, this strategy, if pushed a little farther, could eliminate the need for overflow housing for women.

OTHER ISSUES TO EXPLORE

An Operational Master Plan is not a static document with a fixed number of initiatives that, once implemented, lead to optimum efficiency and effectiveness. As circumstances change and new ideas are raised this plan should continually evolve. Even during the preparation of this document new ideas emerged that could not be fully examined in the time available. Some of these include:

Preparing capital cost estimates for the more promising options identified in the OMP

Some of the more promising alternatives identified in the OMP require that changes be made to the KCCF. None of these have had capital cost estimates prepared. For example, the OMP team believes that adding video visiting is critical to making changes in staffing during the day and evening shifts on inmate-occupied floors in the KCCF. Identifying these costs will provide an important dimension for decision makers when considering these alternatives.

Evaluation of possible alternative staffing patterns when RJC units are double celled

During the OMP the King County Auditor's Office identified a number of creative ideas for possible alternative staffing of the RJC when housing units are double celled. Among these were the use of overtime, the use of intermittent staff, and the use of a mix of longer and shorter work days. Further evaluation of these and related ideas may identify additional efficiencies. See staffing model explanation below.

Renegotiation of Collective Bargaining Agreements

The collective bargaining agreements of the 11 unions representing various DAJD employees constitute a significant constraint on the flexibility of DAJD operations. The multiplicity of job classifications in DAJD's employment can reduce management's ability to shift temporarily under-utilized resources to areas of need. The accumulated history of labor practices has produced inconsistencies between how resources are used at the KCCF and the RJC. For example, the RJC – like facilities in most jurisdictions – makes greater use of inmate labor than the KCCF.

Inter-agency review of criminal case processing

Many issues – particularly the workload of Court Detail – are properly the domain of the Criminal Justice Council rather than an agency specific operational master plan. King County has a long history of collaboration between criminal justice agencies that should serve it well as these and other complex matters are considered.

Staffing models

The development of a staffing model would help communicate the method by which DAJD staffs its jails. Contrary to a typical workload study that simply measures time and motion, or a spreadsheet model that uses mathematical formulae to forecast staffing requirements, this type of model includes a set of standards based on supervision requirements of inmates at the various security levels as well as the physical design of each jail. These, in turn, are informed by study of tasks, task duration, and zones of control within the jails. (An example of supervision requirements at various security levels can be found in Appendix E.) Having a staffing model would make it possible for anyone to objectively determine how much staffing is needed as the use of all or part of a DAJD adult detention facility changes.

Such a model would have the following four major components:

- A process for evaluating physical plants and assigning a security level to each area of the jail including its perimeter;
- A set of policy statements which define the supervision activities staff are required to perform based on the inmate's classification, i.e. the objective assessment of the management risks inmates represent;
- A set of policy statements which define the number and types of staffing of the various security levels (Commanders, Captains, Sergeants, Officers);
- A standard formula for computing the relief factors required to provide coverage for staff members during their absences.

Although the development of a staffing model is likely to require outside assistance, it is best to have the oversight of its development by the DAJD Administration. Implementing a staffing model will require a cultural change in the way the jails are staffed and it is important that DAJD achieve ownership of the model as it is being created.

Centralized food service

There was a difference of opinion between the food service consultant with whom the OMP team conferred and food service management in DAJD over the capabilities of cook/chill equipment in the RJC kitchen. Resolution of this disagreement and additional analysis as necessary may identify additional efficiencies in food service operations.

Retain booking at the RJC but reduce hours of operation from 10 hours a day to something less: For reasons discussed earlier in this chapter, elimination of booking at the RJC is not recommended. However, it may be possible to reduce hours of operation from 50 hours per week (current practice) to something less. The objective would be to reduce hours so that RJC costs go down but 1) there is no increase in staffing at the KCCF or in transportation, 2) a level of service for south-end law enforcement is preserved, and 3) King County can continue to support of the regional prisoner transportation hub.

GLOSSARY

Activity officer	A correctional officer with a wide variety of duties, including providing relief for other officers when on meal or other break, escorting inmates within the building, assisting housing unit officers with meals and counts, and responding to emergencies.
AFIS	Automated Fingerprint Identification System.
CBA	Collective bargaining agreement
Code	Announcement of an emergency in the jail, including inmate fights and assaults, medical issues, and fires and other hazardous situations.
Cook/chill	Food preparation where large quantities of menu items are prepared and quick chilled for serving at a later date.
Cook/serve	Traditional food preparation where meals are prepared and immediately served.
Court Detail	A unit within DAJD that is responsible for escorting inmates to court, supervision of inmates while in court, relief of officers on hospital or other outside medical watch, transport of inmates to and from Western State Hospital, and other duties.
Dayroom	An open area within an inmate housing unit that is adjacent to cells. Used for socializing and recreation.
Direct Supervision	A combination of management and operational philosophy, design features, and staff training in which officers are in constant and direct contact with inmates.
Double celled	Adding a second inmate to a cell originally designed to hold one inmate.
Duress alarm	A radio device worn by correctional officers and others that can be instantly activated by touch to call for help.
DWLS 3	Driving while license suspended – Third degree. A misdemeanor.
Floor control	A secure control room located at the center of inmate occupied floors in the KCCF from which an officer controls doors and monitors inmate activity on the floor but outside individual housing units.
General population	All inmates not classified as special population. Special populations include inmates in administrative or disciplinary segregation, and inmates who are mentally ill, physically ill, and inmates on protective custody status.
Indirect Supervision	A traditional form of facility and inmate management in which officers are generally separated from inmates by secure construction in control rooms. Communication with inmates and operation of doors and other systems take place from control rooms.
Intermittent post	A post (location and set of duties) to which a correctional officer is assigned where the officer may leave the area from time to time and, when away from his or her customary area, the officer does not have to be replaced by another officer. A type of post defined in the Hammer Settlement Agreement.
ISP	Integrated Security Project. A capital improvement program for the KCCF to upgrade security electronics and communications and portions of Jail Health Services.
ITR	Intake Transfer & Release. The booking, transfer and release area of both DAJD's adult detention facilities.
KCCF	King County Correctional Facility. The county's jail in downtown Seattle.
Lockdown	A situation in which inmates are locked in their cells.
Mod	An inmate living unit within the RJC. Short for module.
Pod	A subdivision within a KCCF living unit.
Podular	Jail design in which housing units are arranged around a common dayroom, program, activity, and support spaces. Often used in direct supervision (see above).
Rack-back	Same as lockdown (see above).
Relief	The replacement of one correctional officer by another so that the duties performed by the first officer continue without interruption during the absence.
Relief officer	Terminology used at the RJC for Activity Officer (see above).
Re-thermalization	Re-heating of food that has been quick chilled.
RJC	Regional Justice Center. The county's newest jail facility located in Kent.
Security check	Visual identification of each inmate and manual testing of doors and other security devices. Security checks are done each hour.
Triage officer	A correctional officer assigned to supervise inmates attending sick call.

GLOSSARY

Vertical riser	A primary electrical conduit running vertically through a building.
West Wing	The western-most portion of the KCCF. Originally constructed to be a large work-release facility, the West Wing has normally been used to house minimum security inmates.
Wing	An inmate living unit within the KCCF
Yard-out	A secure outdoor space used for large-muscle activity. Yard-outs at DAJD facilities are either open to the sky or partially opened on an exterior wall. In either case opening are made secure by wire mesh.

ATTACHMENT B. 2004-304

**KING COUNTY
DEPARTMENT OF ADULT AND JUVENILE DETENTION**

ADULT DETENTION OPERATIONAL MASTER PLAN

APPENDICES

June 2004

**Christopher Murray & Associates
2016 18th Ave East
Seattle, Washington 98112**

**Kathleen Gookin
Criminal Justice Planning Services**

**Sandy Zirulnik
On-Line Electric**

**William C. Collins
Attorney at Law**

**Kathleen Alves
Healthcare Delivery Systems**

12042

**KING COUNTY
DEPARTMENT OF ADULT AND JUVENILE DETENTION**

ADULT DETENTION OPERATIONAL MASTER PLAN

APPENDICES

June 2004

Christopher Murray & Associates
2016 18th Ave East
Seattle, Washington 98112

Kathleen Gookin
Criminal Justice Planning Services

Sandy Zirulnik
On-Line Electric

William C. Collins
Attorney at Law

Kathleen Alves
Healthcare Delivery Systems

12042

APPENDICES

A.	Ordinance 14430 - Approving the Adult Justice Operational Master Plan	1
B.	Crosswalk Between OMP Scope of Work and Work Products	9
C.	Benchmarks for Jail Health Services	13
D.	WASPC Guidelines for Local Correctional Facilities	25
E.	Inmate Supervision Requirements by Custody Level.....	27
F.	Jail Design and Operation and the Constitution	37
G.	Washington State Jails – Selected Statutes.....	74

APPENDIX A
Ordinance 14430



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 31, 2004

Ordinance 14430

Proposed No. 2002-0251.2

Sponsors Gossett and Hague

AN ORDINANCE approving the Adult Justice Operational Master Plan.

PREAMBLE:

King County's criminal justice system, that includes law enforcement, secure detention, prosecution, indigent defense, and adjudication of criminal matters in superior and district courts, accounts for over two thirds of the county's discretionary expenditures. While these responsibilities are mandated by constitutional, statutory, and other requirements, the county has a great deal of flexibility in establishing levels of service. In recognition of the fact that increases in criminal justice expenditures are outpacing the county's ability to pay for these increases, the county council required the development of master plan for the county's adult criminal justice system in hopes of duplicating the successes of the juvenile justice master plan that reduced juvenile crime and the need for new juvenile detention facilities. As a result, King County's adult justice system has been engaged in an intensive effort to explore alternative types of sanctions, identify justice system process improvements that will reduce costs and make the best use of limited detention resources in order to promote public safety

and preserve jail capacity for those offenders for whom jail is the only option and reduce the use of secure detention in the county.

This effort is in accordance with K.C.C. 4.04.200, which provides that an operational master plan set forth how an organization will address its workload now and in the future.

Through Motion 11001, the King County council approved the work plan for developing the Adult Justice Operational Master Plan.

The Adult Justice Operational Master Plan was directed by an advisory committee made up of elected officials and agency heads from county government, cities and state criminal justice agencies, and human and community service providers.

The recommendations of the advisory committee to the executive that are contained in the three project work group reports, the alternatives work group, the felony work group, and the Misdemeanant work group, resulted from the work of nearly one hundred participants representing local, regional and state criminal justice and health and human services agencies.

The recommendations contained in the Adult Justice Operational Master Plan Report titled King County Capacity Options: 2002 – 2010 represent recommendations on King County detention capacity options from the King County executive to the King County council.

Plans submitted for approval under K.C.C. 4.04.200 are generally followed by subsequent planning documents for the development of capital improvements.

Each of these plans would also be subject to council approval. In addition, the council required in the 2002 Budget Ordinance that the district court develop plans that reduce jail utilization for offenders adjudicated in these courts. The

response and plan have been included as part of this master plan and is included as an attachment. These plans are submitted as Attachment A to this ordinance, and if implemented, would improve system efficiencies, improve public safety, avoid the need for new jail capacity and should lead to an overall reduction in the need for secure detention.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. In accordance with K.C.C. 4.04.200, the Adult Justice Operational Master Plan, Attachment A to this ordinance, dated May 2002, is hereby approved.

SECTION 2. The council ordains that, with the approval of the Adult Justice Operational Master Plan, it is the policy of King County to establish standards for the use of secure detention capacity, emphasize system and process efficiencies that reduce the utilization of jail and reduce overall criminal justice expenditures, encourage alternatives to the use the secure detention for adult offenders in order to make best use of limited detention resources and preserve public safety, and to establish as a county policy the requirement for the use of integrated and coordinated treatment of offenders whose criminal activity is related to substance abuse or mental illness in order to avoid future system costs, reduce jail utilization for these groups, and reduce future criminality.

SECTION 3. The county recognizes that the provision of secure detention for felons and some misdemeanants is a county responsibility that is subject to federal and state requirements. Nevertheless, the use of secure detention has not demonstrated effectiveness in reducing recidivism except during the time that inmates are incapacitated in jail. The Adult Justice Operational Master Plan does not identify any evidence that the use of jail has decreased recidivism in King County. Instead, the plan shows evidence shows that for certain offender groups recidivism is as high as 95 percent.

The council acknowledges that secure detention is effective for individuals who are a flight risk and must be detained. Nevertheless, data indicates that the threat of jail does not necessarily increase offender accountability when individuals have a history of failing to appear for court appearances. Rather, other process changes have been shown to be much more effective in reducing failure to appear rates. Consequently, the council intends that secure detention be used for those whose history demonstrates that they would flee the jurisdiction in order to avoid prosecution and not for those whose failure to appear history can be addressed more effectively with other process changes.

The plan does show that the use of secure detention may be necessary for those who have failed all other graduated sanctions and intermediary punishments. Consequently, it is the intent of the council that secure detention should be used in measured way to ensure compliance with other sanctions.

Federally sponsored research recommends as a best practice that counties establish policy for the use of secure detention. King County's legislative authority has not formally established a policy for the use of secure detention for adults, but has for juveniles. Consequently, the council finds that as county policy, the county's secure jail facilities should be used for:

- A. Those individuals who can be objectively shown as posing a threat to public safety if not detained in secure detention;
- B. Those individuals who can be objectively shown as a flight risk from the jurisdiction if not detained; and
- C. Those offenders who have failed intermediary sanctions.

Therefore, the council requests that the county's criminal justice council prepare, and the King County superior and district courts adopt, jail use criteria and procedures that limit the use of the jail for those individuals who are a public safety or flight risk, or for those who require secure

detention as a graduated sanction having failed other intermediate punishments. Alternatively, the criminal justice council may wish to propose other policy options that would also limit the use of secure detention.

SECTION 4. It is the intent of the council that the courts, prosecutor, sheriff, and all other agencies involved in the criminal justice system emphasize system and process efficiencies that reduce the utilization of jail and reduce overall criminal justice expenditures. The council intends that the courts, prosecutor, sheriff, and all other criminal agencies identify areas for efficiency that benefit the system as a whole, in addition to the individual agency.

SECTION 5. The council also encourages the development and use of alternatives to the use of secure detention for adult offenders in order to make best use of limited detention resources and preserve public safety. These intermediate sanctions should be used in a graduated and measured manner, appropriate to the offense and cognizant of the cost effectiveness—measured through lower costs, or reducing the costs of future offending.

SECTION 6. It is the intent of the council that the county provide treatment options, within the constraints of existing current expense and other funding sources, for persons who are significantly impaired by substance abuse and/or mental illness and involved repeatedly or for significant duration in the criminal justice system.

The council recognizes the value of the county therapeutic courts for substance abusing and mentally ill offenders. It is the intent of the council that the successful process and programs of these courts become a regular component of the county's criminal justice system and that the courts, prosecutor and executive, consider using the successful components of these courts as the basis for planning how best to integrate adjudication, sanctioning and treatment of these significantly impaired persons. Further, it is the intent of the council that the benefit of these

courts be made available to significantly impaired offenders regardless of offense or court jurisdiction.

It is the intent of the council that treatment options for persons significantly impaired by substance abuse and/or mental illness emphasize community based alternatives to incarceration, as well as treatment in conjunction with incarceration where public safety risk or flight risk so requires, and are coordinated with on-going community care wherever possible. It is the intent of the council that existing current expense and other funding sources be used to implement these policies, but the council recognizes that because of continuing fiscal problems with the current expense fund no new current expense funding will be available to expand programs.

Nevertheless, the council recognizes that the county should continue to pursue other funding sources for treatment and that as savings are achieved in the criminal justice system, that consideration be given to reallocating resources for treatment programs for these populations.

In addition, the council also recognizes the benefits of the district court's consolidated domestic violence court. Similarly, the county should develop plans for expanding and duplicating the methods and benefits from this court program for other appropriate offender populations.

It is the intent of the council that the county substance abuse, mental health, and community services programs, including veteran's programs, domestic violence and work training programs, give priority to referrals from the criminal justice system in accord with needs and to the maximum extent allowable within the parameters of their categorical funding sources and shall partner with the criminal justice system to jointly develop treatment options and screening, assessment and referral protocols.

It is the also intent of council that the county help provide access to information, treatment and other rehabilitative services for persons with other substance abuse and mental

health concerns as part of its programming both within secure detention and in community corrections options.

SECTION 7. To ensure the application of the council's adopted criminal justice policies contained in sections 3 through 6 of this ordinance and the continued implementation of the Adult Justice Operational Master Plan submitted as Attachment A to this ordinance, the King County Criminal Justice Council shall develop and submit an implementation plan to the council by September 1, 2002, for review and approval by motion. It is the intent of the council that the plan identify responsibility for implementation of criminal justice policy and master plan recommendations (including criteria and procedures identified in section 3 of this ordinance related to jail use policies), schedule for implementation, and the estimated reduction of jail utilization associated with each recommendation. In addition, the executive, in consultation with the Criminal Justice Council, shall regularly report on the status of the implementation of plan recommendations. The executive shall also prepare an annual report summarizing

the status of the population of adults in detention and in alternatives, and identifying workplan goals for the next year.

Ordinance 14430 was introduced on 5/28/2002 and passed by the Metropolitan King County Council on 7/22/2002, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson
No: 1 - Mr. Pullen
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this 1st day of August, 2002.

Attachments A. Adult Justice Operational Master Plan dated May 2002

APPENDIX B
Crosswalk between OMP Scope of Work and Work Products

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

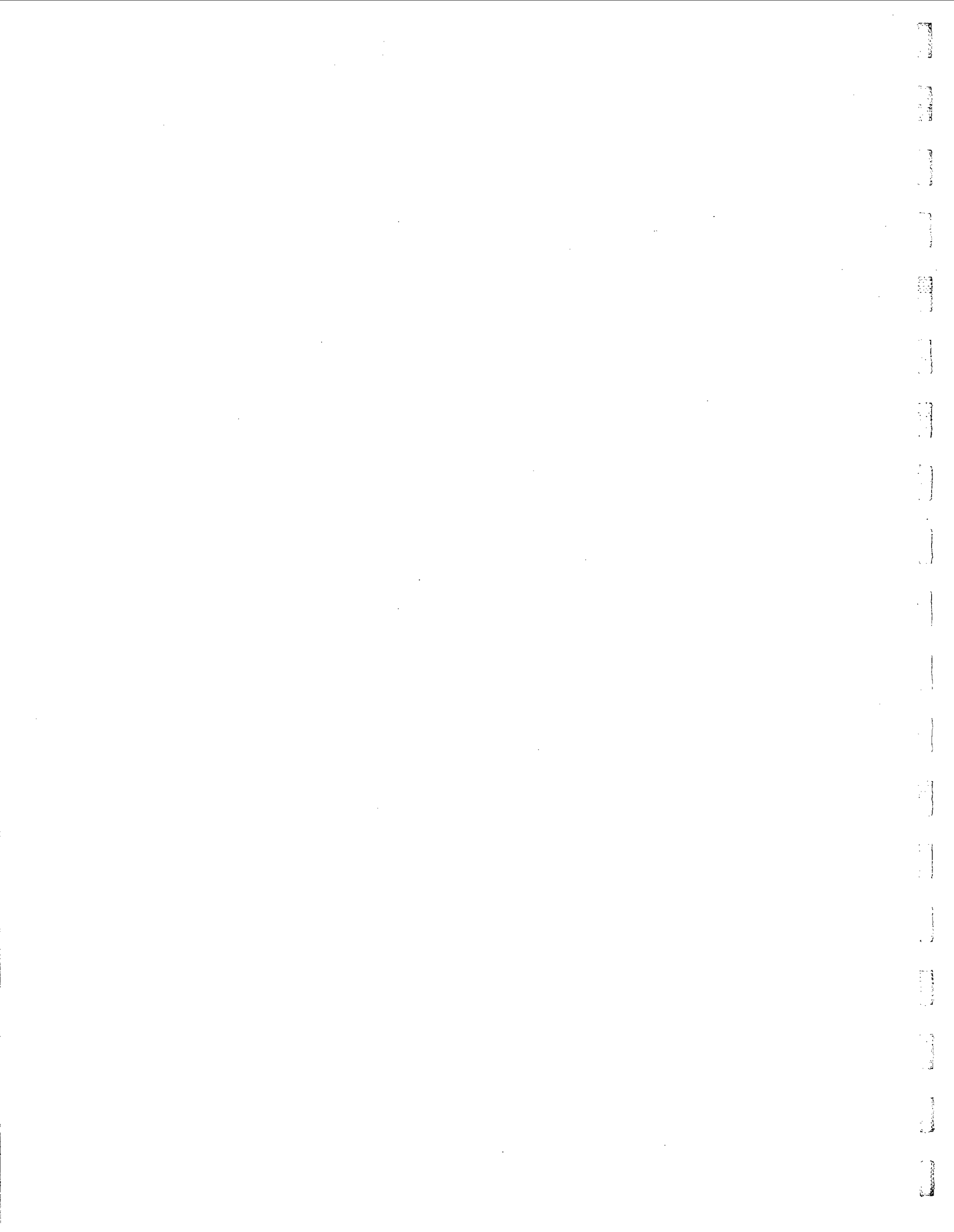
**ADULT DETENTION OPERATIONAL MASTER PLAN
CROSSWALK BETWEEN CONTRACT SCOPE OF WORK AND WORK PRODUCTS**

SCOPE OF WORK	WORK PRODUCT
1. DEVELOP OPERATIONAL MASTER PLAN	
a. Establish baseline for operations	
i. Identify baseline criteria for adult secure detention operation.	<i>Adult Detention Operational Master Plan, Chapter 2, "Baseline Requirements."</i>
ii. Identify criteria for best practices	<i>Adult Detention Operational Master Plan, Chapter 3, "Best Practice Benchmarks."</i>
iii. Peer review of analysis and findings of Dept of Public Health's consultant review related to identification of baseline operations.	<i>Peer Review: Final Report to Proviso Work Group Jail Health Services, Seattle-King County dated June 10, 2003 by Wellcon (Dr. Todd Wilcox), Kathleen Alves, Healthcare Delivery Systems</i>
b. Current operations and policies	
i. Review/verify criteria and practices for classification, security levels, assignment of inmates to programs and secure housing units, inmate processing, court detail, services and programs.	<i>Adult Detention Operational Master Plan, Chapter 1, "Current Operations."</i>
ii. Peer review of analysis and findings of Dept of Public Health's consultant review related to identification of current operations and practices.	<i>Peer Review: Final Report to Proviso Work Group Jail Health Services, Seattle-King County dated June 10, 2003 by Wellcon (Dr. Todd Wilcox), Kathleen Alves, Healthcare Delivery Systems</i>
c. Move from current to best practices	
i. Establish benchmarks and identify and quantify operational efficiencies for DAJD and JHS.	<i>Adult Detention Operational Master Plan, Chapter 3, "Best Practice Benchmarks." Adult Detention Operational Master Plan, Chapter 6 "Operational Alternatives." Adult Detention Operational Master Plan, Appendix, "Benchmarks for Jail Health Services."</i>
ii. Evaluate Hammer Settlement Agreement	Memorandum dated August 5, 2003 from Bill Collins to Chris Murray, re: Hammer Settlement Agreement Presentation to Advisory Committee by Bill Collins August 7, 2003. <i>King County Correctional Facility, Staffing Requirements & Capacity Limits Required by the Hammer Settlement Agreement, Christopher Murray & Associates, August 2003</i>
iii. Coordinate and confer with PAO in	Telephone and email communication between

evaluation	John Gerberding and Bill Collins
iv. Summarize constitutional and statutory minimum requirements for jail operation.	Appendix: <i>Jail Design and Operation and the Constitution, An Overview</i> , William C. Collins
d. Going forward	
i. Estimate distribution of inmates by classification for next 10 years. Evaluate how well programs and services can accommodate those inmates and security needs.	<i>Adult Detention Operational Master Plan</i> , Chapter 5, "Long-Range Needs."
ii. Identify modifications that could produce operational efficiencies; conduct analysis of whether such changes can be "self-financed."	<i>Adult Detention Operational Master Plan</i> , Chapter 6 "Operational Alternatives." Cost Benefit Analysis Model (spreadsheet)
iii. Identify benchmarks for overall operational efficiency	<i>Adult Detention Operational Master Plan</i> , Chapter 3, "Best Practice Benchmarks."
iv. Develop a decision package that will identify and quantify: changes in operation that can produce more efficient operations within existing facilities and constraints; additional changes that require removal or modification of constraints; facility/infrastructure changes that result in operational changes that might be self-financing.	<i>Adult Detention Operational Master Plan</i> , Chapter 6 "Operational Alternatives."
Illustrate existing and alternative staffing models graphically on floor plans	<i>Adult Detention Operational Master Plan</i> , Chapter 6 "Operational Alternatives."
Integrate alternatives with AJOMP and CJ Council recommendations.	<i>Adult Detention Operational Master Plan</i> , Chapter 5, "Long-Range Needs."
Take into account the King County Family Leave Act	<i>Adult Detention Operational Master Plan</i> , Chapter 2, "Baseline Requirements."

2. REVIEW AND EVALUATE ISP	
a. Evaluate feasibility and cost-effectiveness of incorporating alternative or additional technology upgrades in the ISP	<i>Study of Security Electronic Systems Replacement</i> , On-Line Electric, June 2003; Encouraged and participated in decision to change from analog to digital communication; Encouraged and participated in modification of design to enable remote operation of critical floor control functions; evaluated staffing and cost implications of alternatives to floor control.
b. Evaluate cost-effectiveness and alternatives to proposed ISP implementation plan.	<i>Integrated Security Project: Implementation Plan Report</i> , Christopher Murray & Associates, May 2004
c. Collaborate with others to produce an updated ISP scope, schedule, and budget	Participated in meetings on scope and schedule. Participated in development of ISP Cost Model. Prepared implementation cost report.

<p>d. Coordinate with OIRM and ISP Executive Management Team in reviews</p>	<p>Provided technical review and advice on ISP design elements to enable addition of future applications or systems. Met with OIRM manager for the Criminal Justice Integration Project. Reviewed documents for inclusion in OMP operational alternatives discussion.</p>
<p>3. WORKPLAN AND SCHEDULE</p>	
<p>Submit workplan and schedule</p>	<p>Submitted workplan and schedule. Periodically updated same.</p>



APPENDIX C
Benchmarks for Jail Health Services



BENCHMARKS FOR JAIL HEALTH SERVICES

Introduction

While concentrating mainly on functions of the Department of Adult and Juvenile Detention, this Operational Master Plan includes some analysis related to Jail Health Services. In this part of the analysis, benchmarks of similar jail facilities are discussed for the purpose of helping provide direction for decisions regarding changes in jail health services operations, practices and programming.

King County operates under several constraints in providing health care to the incarcerated population that are not commonly found in other jurisdictions. For example, the Hammer Settlement Agreement (1998) requires that King County seek and maintain accreditation by the National Commission on Correctional Health Care (NCCHC) accreditation. King County is in compliance with this requirement and attained its third renewal in 2001. In addition, there are collective bargaining agreements that pose constraints upon health services staffing that may not be found in some of the comparison jurisdictions. Finally, there are two lawsuits that were settled by King County that deal with the issue of County liability for the actions of inmates once they leave the jail, if those actions are attributable to a mental health condition. These two lawsuits resulted in many changes in the County, including the addition of Mental Health Courts and pressure on the County to ensure community safety, through proper referrals and placement of individuals with a mental illness, once they leave the jail. The effect of these settled lawsuits may be to make King County more cautious in dealing with mentally ill offenders than other jurisdictions.

In deciding what facilities to use for benchmarking purposes, it was decided to first choose facilities that were accredited by the NCCHC. Approximately 10% of jails in the United States have attained NCCHC accreditation. It was also important to pick jails that were representative of best practices. Two of the jails selected have been honored nationally as Healthcare Facility of the Year by the NCCHC.

Because King County operates a large urban jail that provides services to the City of Seattle, surrounding cities, and unincorporated areas, it was important that targeted facilities have similar characteristics.

Jail health services at the King County adult detention facilities are provided by the Seattle / King County Department of Public Health. Two of the three jails chosen as benchmarks have similar relationships with a public health agency. The three facilities are:

- Multnomah County Jail, Portland, Oregon. Health services provided by the Multnomah County Health Department. Multnomah was chosen, in part, because it is often cited by King County as being similarly situated.
- Salt Lake County Jail, Salt Lake City, Utah. Health services provided by Wellcon, a private contractor. The Salt Lake Jail was the National Commission Healthcare Facility of the Year in 2001. It was selected for its exemplary program and as an example of what is done by a private sector provider.
- Hampden County Correctional Center, Ludlow, Massachusetts. Health services are provided by Massachusetts Public Health and linkages with community providers. This program was

awarded the *Innovations in American Government Award* in 2000 by the Ford Foundation and was cited as the Healthcare Facility of the Year in 1998 by the NCHC. It was selected as an exemplary program operated by a public health agency.

The following table summarizes some of the demographic and economic characteristics of these comparison sites.

Demographic and Economic Statistics
(Data from 2000-2001 unless otherwise indicated)

	King County Washington	Multnomah County Oregon	Salt Lake County Utah	Hampden County Mass
Population	1,741,785	613,105	898,387	455,862
2002 Consumer Price Index ¹	189.3	183.8	184.7	196.5
Median Income				
Unadjusted	\$53,157	\$32,732	\$26,340	\$39,718
CPI	\$53,157	\$33,711	\$26,996	\$38,263
Adjusted				
Percent Below Poverty Level	8.4%	14%	NA	14.7%
Percent White	75.7%	84.6%	79.2%	74.4%
Percent Black	5.4%	6.8%	1.9%	8.1%
Percent Native American	0.9%	1.2%	1.3%	0.3%
Percent Hispanic	5.5%	4.5%	12.8%	15.2%
Percent Other	12.5%	2.9%	4.8%	2%

As B. J. Anno, one of the leading authorities on correctional health care has noted, when determining objectives for provision of jail health services “the primary objective should be the provision of high quality, timely, and cost-effective health care.”² NCHC accreditation documents the necessary structure and standards the system will use to accomplish this objective. The allocation of resources needed to provide the services and documentation become of prime importance in managing systems and the provision of health care that meets community standards.

¹ U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, all urban consumers, all items, 1982-1984 = 100. King County CPI based on Seattle/Tacoma/Bremerton; Portland CPI based on Portland/Salem; Salt Lake County CPI based on all western urban areas; Hampden County based on Boston/Brocton/Nashua.

² Anno, B. J., *Correctional Health Care: Guidelines for the Management of an Adequate Delivery System*, National Commission on Health Care, December 2001.

Facility and Program Descriptions

King County, Washington

The King County Department of Adult and Juvenile Detention has two facilities:

- A high-rise jail with eleven floors located in downtown Seattle. It was opened in 1986 and is referred to as the King County Corrections Facility (KCCF).
- A two story jail located in Kent. It was opened in 1997 and is referred to as the Regional Justice Center (RJC).

The KCCF has 1,262 beds in the tower portion of the facility and 435 in the (vacated) west wing. In October 2003 the ADP was 1,257. The RJC has a single-cell capacity of 896 beds and a maximum capacity (double celling 80 percent of the cells in most housing units) of 1,457. The RJC had an ADP of 907 in October 2003. There were an additional 225 inmates in community based programs during this month.

Jail Health Services (JHS) provides the management and on-site health services at both facilities. Inmates with acute medical and psychiatric needs, and those with unstable chronic conditions, are housed at KCCF. The facility has an infirmary with two reverse flow rooms for isolation, a medical clinic, extensive psychiatric services, dental office, limited laboratory service, and x-ray on site. Inmates requiring emergent care are transported to Harborview Medical Center, which, as part of a larger agreement with the county, does not charge the jail for services. Most inmates are booked into the KCCF facility, including all those arrested in the evening, at night, or on the weekend.

JHS also provides services for the RJC, however, by design, most inmates at the RJC are generally medically stable and do not require extensive health interventions. There is a medical clinic, dental office, laboratory and x-ray service at the RJC. Inmates requiring emergent care are generally transported to Valley Medical Center locally.

The DAJD was re-accredited by the NCCHC in 2001 separately for both the KCCF and RJC.

Statistics for January 2003 indicated a total of 359 hospital transports for an average of 12 per day. Almost all of these (356 of the 359 transports) were from the KCCF.

Total health expense for 2002 was \$15,956,965 with \$11,115,136 spent for staffing (70%) with 148 FTE's. (This does not include the CDP's or PES's.) Cost per patient per day for medical expense was \$16.51. The staffing ratio in 2002 was one JHS employee to 18 inmates. For the first 10 months in 2003, the ADP in secure detention was 2,240. The approved JHS budget for 2003 was \$19,177,982 with an increase of 23 FTE's from 148 to 171. This has resulted in a 2003 ratio of one JCS employee to 13 inmates.

Pharmaceutical costs in 2002 totaled \$1,173,360, or \$1.21 per inmate per day. Thirty percent of this (\$395,637) was for pharmacy staff wages and benefits. The remainder was for medications. Currently both sites run pharmacies with full staff. The medications are obtained on contract with the Minnesota Multistate Contracting Alliance for Pharmacy which provides medications at a significant discount.

Dental costs were approximately \$214,000, which average 22 cents per inmate per day.

Multnomah County, Oregon

Multnomah County Corrections is comprised of two facilities:

- A high-rise jail with eight floors located in downtown Portland, Oregon referred to as the Multnomah County Detention Center (MCDC).
- A two-story jail located outside of downtown Portland near the airport. It is called the Multnomah County Inverness Jail (MCIJ).

The downtown facility has 676 beds and houses maximum security inmates and inmates just booked into jail. Health services are provided by the Multnomah County Health Department. There is no infirmary and inmates requiring extensive health interventions are transported to local hospitals. There is a medical clinic, dental clinic, laboratory and x-ray on site. Inmates are booked into this facility and transferred to Inverness if at all possible. The booking area has recently been remodeled and handles around 2,400 bookings a month. Nursing staff have a private and well secured area to evaluate incoming inmates and administer tuberculosis skin tests at the time of booking.

The Inverness facility has 1,014 beds and houses the majority of medium/minimum classified inmates. There is a medical clinic, infirmary with reverse airflow rooms, dental clinic, laboratory, and x-ray on site. Inmates requiring emergent care are transported to a local hospital. This facility has been a destination facility for the National Institute of Corrections (NIC) since it was built in 1988 due to the excellent design and function it offers.

Psychiatric care is also based in the Inverness facility. The facility has devised a special needs unit that has open common living space for 65 inmates on one level. It houses stable but seriously impaired mentally ill inmates and inmates with developmental disabilities. The jail also has a 10-bed acute care unit. The special needs program is staffed by a full time psychiatric ARNP who manages inmate care and provides group therapies. The jail reports an excellent response to therapy. It was reported that inmates returning to the facility often request re-assignment to the unit as it provides the necessary structure for a comfortable living environment with like inmates.

Multnomah County Corrections was accredited several years ago by NCCHC and has maintained accreditation ever since. Total health costs in 2002 were \$12,293,526 with \$10,339,630 for staffing costs (84%) and 106 FTE's. This provides a ratio of staff to inmate of 1:16. The cost per patient per day for medical expense was \$19.93. This is well above the national average and higher than DAJD. When I spoke with corrections administration they stated that they were in the middle of a budget crisis due in large part to health services expenses. FTE's for 2003 were reduced to 98 with 65% being nursing staff.

Multnomah County spent \$1,037,851 (8%) of their 2002 staffing budget for mental health services.

Pharmaceutical costs were also quite high - \$1,148,983, or \$1.86 per inmate per day. Psychiatric medications tend to be big ticket item that increases this budget item in all jails.

Dental costs were \$203,834 which averages 33 cents per day per inmate.

Inmates are billed \$10.00 per kite with the first visit free of charge. They are charged \$5.00 for each grievance filed. Multnomah does not bill private insurances or Medicaid and the amount received was \$151,916 in 2002 from inmate billing only.

Multnomah does not utilize telemedicine or have an electronic medical records system. Their health model and facility design is nearly identical to DAJD. They transported 1,062 inmates to local hospitals during 2002 which is an average of three inmates per day.

Salt Lake County, Utah

The Salt Lake County Jail is a two-level urban facility with an average daily population in 2002 of 1,941. Health services are provided by Wellcon LLC, a private contractor. There is a medical clinic, infirmary with IV therapy as needed, inpatient psychiatric ward with 18 acute beds and 45 stepdown beds, dental clinic, laboratory, and x-ray on site. Inmates requiring emergency care are transported to a local hospital.

The Salt Lake County Jail is accredited by NCCHC and was National Commission Healthcare Facility of the Year in 2001. Total health costs in 2002 were \$7,279,173 with unspecified staffing costs. There are 66 FTE's - 50 of which are nursing staff and 3.5 FTE's are MD staff from the community. This provides a ratio of staff to inmate of 1:29. Cost per patient per day for medical expense in 2002 was \$10.28.³

The Salt Lake facility spends \$1,145,041 (16%) out of their total budget for mental health costs.

Pharmaceutical costs in 2002 totaled \$706,892, or \$1.00 a day per inmate. This number is low as they contract out their pharmaceuticals with Diamond Pharmacy Services and do not pay for pharmacy staff.

Inmates are billed a \$10.00 co-pay for medical physician visits. This generated \$38,157 in 2002.

Dental care costs were \$46,050 or around seven cents per day per inmate.

Salt Lake County Jail has had an electronic medical records system (EMR) for the past two years that very effectively and efficiently manages their medical records data and provides billing functions. Imrac is the company that produces the Emerald software used at the jail. It has enabled the program to keep staff to a minimum while providing excellent documentation of health care services to inmates.

Hampden County, Massachusetts

The Hampden County Correctional Center (HCCC) is an urban facility built in 1992 and based in Ludlow, Massachusetts. It has an average daily population of 1,767. Health services are provided by the Massachusetts Public Health Association and contracted providers in the community. The model for health care was developed in response to the then Sheriff's charge to develop a community-based system of health care.⁴

³ The Salt Lake County Jail was later required to close its infirmary and cut positions due to budget cuts. Current operations may be different than those described here.

⁴ Curran, K. (editor). A Public Health Manual for Correctional Health Care. October 2002.

The program was awarded the *Innovations in American Government Award* in 2000 from the Ford Foundation. In 1998 the HCCC was awarded Healthcare Facility of the Year by the NCCHC. The jail has been accredited by the NCCHC for several years.

As reported in *A Public Health Manual for Correctional Health Care*, “the following five elements form the basis for all services and programs in the Health Services Department at HCCC:

- Early assessment and detection
- Prompt and effective treatment at a community standard of care
- Comprehensive health education
- Prevention measures
- Continuity of care in the community upon release.”⁵

Total health costs in 2002 were \$5,581,222 with health staffing at \$4,742,523. FTE’s were requested but never received so staffing ratios are unavailable. Cost per patient per day for medical expense was \$8.65 which was the lowest surveyed. The difference is even greater if costs are adjusted for differences in the consumer price index between the Boston area and the Seattle area. With costs adjusted for differences in the CPI, HCCC costs per patient per day were \$8.33 in King County dollars in 2002.

Pharmaceutical expenses ran \$1,136,863 with an on-site pharmacy for a cost per inmate per day of \$1.76 (\$1.69 with CPI adjustment).

Inmates are not charged for medical care and therefore there is no need for billing. This is in accordance with the NCCHC position on charging inmates for medical costs. Inmates are assigned a community-based team that is in their zip code of residence. Inmates are seen in the jail and on release in the community by the same team of providers.

The facility has been developing an EMR and is currently in the implementation process. When I spoke with Dr. Conklin the Medical Director, he was looking forward to using the system and felt it would meet their needs.

Dr. Conklin was also very supportive of the Public Health Model and felt that all or part of the model could be used to decrease costs by contracting with non-profit providers in the community and to increase the health care provided to inmates.

A Public Health Manual for Correctional Health Care, notes that “Key elements for successful implementation of the model include.

- Support of the model from high-level correctional administrators, including a dedication to improving inmate and community health;
- Commitment to collaborate openly with state agencies and local non-profit providers;
- Willingness to substantially change the existing correctional health care system and culture;

⁵ Ibid.

- Commitment to aggressively seek new sources of funding and support to implement and sustain the model.”

The same document identifies the benefits of adopting a public model of correctional health care to include:

- Improved inmate and community health
- Improved public safety
- Improved correctional staff safety
- Improved use of the health care system
- Cost savings for communities
- High quality health care at a cost no greater than the national average. ⁶

Cost Comparison

Data from the previous discussion is assembled in the following table to show how each facility compares to the others. Dollar amounts have been adjusted to the 2002 cost of living index in the Seattle area.

Comparative Health Care Costs – 2002
Adjusted to King County Cost of Living

	King County Washington	Multnomah County Oregon	Salt Lake County Utah	Hampden County Mass
Average Daily Population	2,648	1,690	1,941	1,767
Total Health Care	\$15,956,965 ⁷	\$12,661,395	\$7,460,463	\$5,376,719
Health Staffing	\$10,555,279	\$ 9,097,426	NA	\$4,391,862
Pharmacy Staff	\$395,637	\$272,774	NA - Contract	\$176,889
Mental Health	\$873,286	\$1,068,907	\$1,173,559	NA
Dental	\$107,088	\$209,993	\$47,197	NA
Total Staffing Expense	\$11,115,136	\$10,649,042	NA	\$4,568,751
Staff to Inmate Ratio	1:18	1:16	1:29	NA
FTE's	148	106	66	NA
Cost per Inmate per day	\$16.51	\$20.53	\$10.53	\$8.34
Drug Expense	\$777,723	\$910,591	\$724,497	\$918,318

⁶ Ibid.

⁷ Excludes two months of PES and CPD staff that joined JHS in November 2002.

Total Pharmacy Expense	\$1,173,360	\$ 1,183,365	\$724,497	\$1,095,207
Pharmacy Expense per Inmate per day	\$1.21	\$1.92	\$1.02	\$1.70
Charge for Sick Call	\$5.00	\$10.30	\$10.25	No charge
Income Generated from Inmates	\$4,700	\$156,462	\$39,107	None
NCCHC Accreditation	Yes	Yes	Yes	Yes
Health Model	Modified Public Health	Public Health	Privatized	Public Health

Adjusting for changes in the consumer price index between 2002 and the first half of 2003 resulted in a King County cost per inmate per day of \$23.17, the highest per capita cost observed.

Lessons from Benchmark Sites

Partly through the OMP process, but largely through the work of JHS and confirmed by Dr. Todd Wilcox and previous consultants, a number of important issues have been raised that affect the efficiency and effectiveness of operations by Jail Health Services. A summary of major issues identified by JHS and others and listed in Dr. Wilcox's report is included at end of this report. Alternative approaches to most of these issues can be found in the practices of the benchmark sites. The following paragraphs summarize some of the lessons from these other programs that may have applicability in King County.

Multnomah County

Booking and triage staff should have confidential and secure space to provide this service. When the TB skin test is placed at booking it provides an efficient method of intake screening by RN staff as well as driving timely follow up to read the test and perform the health assessment. This helps to assure that health concerns are identified and appropriately triaged (medical, dental and psychiatric). (Applicable to issues 13, 14, 24 in summary of Dr. Wilcox's report at end of this chapter.)

The model of psychiatric care provided at Inverness should be studied for possible adaptation at KCCF - with special attention to the characteristics of those housed in the special needs unit. Mentally ill and developmentally delayed inmates admitted to correctional facilities are often preyed upon in general population. The consistent structure of the psychiatric unit and the support from known and trusted medical and corrections staff provide a therapeutic environment for their care and management. It is conceivable that the use of multiple psychotropic medications could be managed more effectively and even possibly reduced for some individuals in such an environment. (Applicable to issues 6, 16 in summary of Dr. Wilcox's report at end of this chapter.)

Transports to hospitals in King County averaged 12 per day which is costly in terms of corrections staff time and poses potential security risks. In contrast, if Multnomah County had as many inmates as King County, its hospital transport rate would translate into less than five transports per day. While hospital care at Harborview is "free" to the jail, it is not free to the

taxpayer. Inmates should be managed on-site whenever possible. Providers need to be trained and should be expected to perform all routine clinical procedures. It may be cost-effective to have inmates needing dialysis receive this service on site. Consider the purchase of a laboratory tester for Treponin to evaluate chest pain. The use of this relatively inexpensive equipment and a 12-lead EKG will determine if the inmate is having a myocardial infarction. Its use can save unnecessary transports. (Applicable to issues 5, 11, 12, 15 in summary of Dr. Wilcox's report at end of this chapter.)

Salt Lake County

An EMR system is necessary to provide medical records and data management for jail systems as large as DAJD. Medical records are necessary for communication purposes within the facility, between facilities, and as a legal reference. It has been well established that an EMR offers efficient storage, rapid access, and the best legal documentation. (Charts cannot be altered without red flags. The date and time of all entries are automatically recorded.) Billing functions are needed to maximize cost recovery. An integrated system drastically reduces staff time for data sharing and retrieval. An EMR system should conceivably reduce clerical and medical records staff and make nursing staff more efficient as chart retrieval and documentation times are cut. The EMR also facilitates data management; assists with chronic care data and discharge planning; and keeps studies, peer review, and continuous quality improvement (CQI) on track. (Applicable to issues 1, 14, 16, 28 in summary of Dr. Wilcox's report at end of this chapter.)

Consider outsourcing all or part of the pharmaceutical program. Salt Lake County uses Diamond Pharmacy Services which keeps their costs at \$1.00 per inmate per day. DAJD spent \$395,637 for pharmacy staff in 2002. The cost of medications was \$777,723. A strict formulary updated annually with strict prescription protocols with provider training is quite effective in keeping pharmaceutical costs as low as possible. IF DAJD used prescriptive practices similar to Salt Lake, this could save nearly \$203,000 annually in pharmaceutical costs. (Applicable to issues 1, 15, 29 in summary of Dr. Wilcox's report at end of this chapter.) JHS's plan to reduce the number of pharmacists from three to two will reduce costs associated with their pharmaceutical program.

Alternative staffing plans should be addressed. In 2002 DAJD had a staffing ratio of 1:18. In 2003 it was 1:13. Salt Lake County maintains an exemplary program with a staffing ratio of 1:29. This is a significant difference and can be partially explained by the presence of an EMR. As there is a national nursing shortage it behooves administration to closely evaluate the lowest level of staffing that achieves the highest level of function.

If DAJD were to function with a 1:29 staffing ratio there would be 91.3 FTE's. In 2002 there were 148 FTE's for a cost of \$11,115,136. This is equal to \$75,102 per FTE. If JHS operated with the same staffing ratio as Salt Lake costs would have been \$4,280,814 less in 2002. With 171 FTE's in 2003 the savings would be even greater. NCCHC does not set staffing levels and stipulates only that the job be done well and within standard. This is obviously happening quite efficiently in Salt Lake County. (Applicable to issues 1, 2, 3, 4, 5, 6, 9, 12, 13, 15, 28 in summary of Dr. Wilcox's report at end of this chapter.)

Prior to March 2002, the law barred agencies and institutions from contracting for services traditionally performed by civil service employees. While changes in state law will soon make contracting out legal, privatizing all or parts of the healthcare enterprise in King County is an

unlikely proposition. Nonetheless, if privatization were possible, private contracting can often provide services or products for a significantly reduced cost. Even limited use of private resources could be useful. For example, the development and review of policies and procedures could be contracted out and it would have a finite cost and a predictable outcome. Assigning the same task to one or more employees would take them away from daily tasks and have a less predictable outcome. (Applicable to issues 3, 4, 15, 20, 21, 22, 28, 30 in summary of Dr. Wilcox's report at end of this chapter.)

Hampden County

Consider investigating the Public Health Model to increase the community involvement in the jail health program. Involving local providers by contract as members of the health care team can provide peer support as well as excellent care for the client. It should also be a cost savings. Increasing community resources can only be a benefit to the inmate and community. (Applicable to issues 3, 4, 17, 28 in summary of Dr. Wilcox's report at end of this chapter.)

Other Issues

In reviewing the data from the three facilities chosen for benchmarking, it was obvious that all facilities that have attained NCCHC accreditation possess merit and provide adequate health care for the incarcerated individual. Documenting the care becomes much better with an EMR system and provides a level of legal protection.

Telemedicine was not a tool that any of the jails used. As KCCF is in such close proximity to Harborview, it would not seem to be much monetary benefit. The most effective use of telemedicine is to keep transports for specialty care down. The majority of specialty visits historically is for orthopedic consults in the jail population. Contracting with a local orthopedist or resident from the University of Washington's Medical School to come in for scheduled clinics seems to make better use of resources.

Much staff training in a large system such as DAJD is better accomplished electronically. It is costly to have meetings which take the providers away from the clients. Providing modular classes on disks with post tests to document the learning process has worked well for other corrections systems.

Statistics and report management would be best accomplished with the implementation of an EMR. This is an item already in JHS budget request for 2004.

Summary of Major Issues Identified by Dr. Wilcox in June 2003

1. Medical records need major revision and an electronic medical record (EMR) is strongly advised with the addition of a medical records manager (RHIT).
2. Nurse staffing needs evaluation and several key positions such as CQI coordinator and an Infectious Disease Specialist need to be filled.
3. Union contracts need to be reconfigured.
4. Nurse staffing and PES staffing needs reconfiguration.
5. Training programs for health services staff are needed.
6. PES staffing and function need evaluation. Resources should be allocated according to acuity and there should be utilization review of the mental health inpatient unit with strict guidelines followed for admission and discharge.
7. Inpatient infirmary resources should be allocated according to acuity and there should be utilization review of the inpatient population with strict guidelines followed for admission and discharge to include medical isolation.
8. Restraint and seclusion of inmates needs evaluation with policy and procedure revision.
9. Medication administration needs evaluation and staff need consistent training.
10. Withdrawal management needs evaluation and development of treatment plans and protocols.
11. Laboratory services require investment of funds in equipment.
12. Inmate health management needs review and updating of protocols and staff training.
13. Intake screening would be best performed by RN staff,
14. Implement a TB program to meet CDC guidelines.
15. Continue to review and update policy and procedures and provide staff training.
16. Implement a discharge program for inmates to provide continuity of care.
17. Assure inmate access to care.
18. Implement a suicide screening and management program.
19. Provide OSHA protection for inmate workers.
20. Contract out Employee Health services.
21. Contract out inmate haircuts.
22. Contract out biomedical engineering services on all medical devices that has patient contact.
23. Purchase adequate AED's.
24. Dental services need review and definitive guidelines for treatment. Train staff to triage dental.
25. Increase radiology to meet facility needs.
26. Reconfigure physical plant.
27. Substance abuse program to be evaluated and other options reviewed.
28. Physician staffing to be evaluated for on-site clinics and peer review.
29. Modify pharmacy practices.
30. Consider privatizing all or parts of the healthcare enterprise.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

APPENDIX D
WASP Guidelines for Local Correctional Facilities

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

WASPC GUIDELINES FOR LOCAL CORRECTIONAL FACILITIES

Each local correctional facility shall:

1. Provide staff to perform all audio and visual functions involving security, control, custody and supervision of all confined detainees and prisoners, with personal inspection at least once each hour. Such supervision may include the use of electronic surveillance equipment.
2. Have a written policy covering:
 - a. Legal confinement authority.
 - b. Admissions.
 - c. Telephone calls.
 - d. Admission and release medical procedures.
 - e. Medication and prescriptions.
 - f. Personal property accountability.
 - g. Vermin and communicable disease control.
 - h. Releases.
 - i. Inmate correspondence and visitations.
3. Develop and maintain emergency plans.
4. Not administer any physical punishment to any prisoner at any time.
5. Provide for emergency and non-emergency health care.
6. Prohibit unauthorized weapons from the security area of the facility except in times of emergency as determined by the sheriff, jail director or designee.
7. Ensure that confined detainees and prisoners:
 - a. Will be fed daily at least three meals served at regular times, with no more than 14 hours between meals except when routinely absent from the facility for work or other such purposes.
 - b. Will be fed nutritionally adequate meals in accordance with a plan reviewed by a registered dietician or the Health Division.
 - c. Be provided special diets as deemed necessary.
 - d. Shall have food procured, stored, prepared, distributed and served under sanitary conditions.
8. Ensure that the facility be clean, and provide each confined detainee or prisoner:
 - a. Materials to maintain personal hygiene.
 - b. Clean clothing weekly.
 - c. Fire-retardant mattresses and clean bedding.
9. Allow each prisoner to shower at least twice weekly.
10. Forward, without examination or censorship, each prisoner's outgoing written communications to the Governor, jail administrator, Attorney General, judge, Department of Corrections, or the attorney of the prisoner.
11. Keep the facility safe and secure in accordance with the applicable Fire and Safety Code.
12. Have and provide each prisoner with written rules for inmate conduct and disciplinary procedures. If a prisoner cannot read, or is unable to understand the written rules, the information should be conveyed to the prisoner orally.
13. Allow the free exercise of religion except where such exercise will cause a threat to facility order.
14. Allow the prisoner's access to the courts.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

APPENDIX E
Inmate Supervision Requirements by Custody Level

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

INMATE SUPERVISION REQUIREMENTS BY CUSTODY LEVEL

Adapted from *Idaho Department of Corrections, Correctional Staffing Model*, Christopher Murray & Associates, 1999

JOB FUNCTION: SEARCHES

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
CONDUCT PAT SEARCHES	Search upon suspicion. Routine search upon return from out-of-housing unit activities.	Search upon suspicion. Routine search upon return to housing unit or exiting out-of-cell/room activity or work location.	Search upon suspicion. Search after each out-of-cell movement or activity.	Same as Close/Max
CONDUCT STRIP SEARCHES	Search upon reasonable cause. Search upon each contact with the public.	Same as Minimum	Same as Medium.	Search upon suspicion. Search upon each exit from cell and return from indirect supervised activities.
CONDUCT CELL/ROOM SEARCHES	Search each 60-day period to include assigned living area, personal property, fixtures, furnishings and hardware.	Search each 30-day period to include assigned room/cell, personal property, fixtures, furnishings and hardware.	Same as Medium	Search each 7-day period.
SEARCH COMMON AREAS AND BUILDINGS	As required or as scheduled to include contraband search in all inmate occupied areas plus visual inspections of all security and safety systems	Same as Minimum	Same as Medium	Same as Close/Max except search to be conducted at least once every 30 days
SEARCH VISITORS ENTERING SECURITY PERIMETER	Visual Scan and random search of items carried into the facility	Visual Scan, search of items carried into facility, random electronic scan and/or pat search.	Visual and electronic scan, search of items carried into the facility, and/or pat search.	Same as Close/Max

JOB FUNCTION: INSPECTIONS

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
<p>CONDUCT VISUAL CELL-FRONT CHECKS</p>	<p>Hourly living area walk-through and visual observation of condition and activity of occupants.</p>	<p>Hourly visual scans to check on condition and activity of cell/room occupants.</p>	<p>Same as Medium</p>	<p>Each 30 minute period to include visual observation of condition and activity of cell occupants</p>
<p>CONDUCT CELL SAFETY, SANITATION INSPECTIONS</p>	<p>Daily general observation of living unit areas to verify cleanliness, check for safety and fire hazards and overall condition.</p>	<p>Daily general observation of room/cell to ensure for cleanliness, check for safety and fire hazards and overall condition.</p>	<p>Same as Medium</p>	<p>Same as Close/Max</p>
<p>CONDUCT CELL/UNIT PHYSICAL SECURITY INSPECTIONS</p>	<p>Every 30 days, intense inspection of security hardware to include doors, walls, floors, locks, fixtures and ceilings.</p>	<p>Same as Minimum</p>	<p>Same as Medium except conducted each 14 day period</p>	<p>Same as Close/Max except conducted each 7 day period</p>
<p>INSPECT COMMON AREAS</p>	<p>Daily to include visual inspections of security systems, potential fire and safety hazards.</p>	<p>Daily to include visual inspections of security systems, possible security breaches, potential fire and safety hazards.</p>	<p>Same as Medium except conducted during each shift</p>	<p>Same as Close/Max</p>
<p>INSPECT FACILITY STAFF</p>	<p>Visual recognition. Subject to random pat search.</p>	<p>Visual recognition with approved identification. Visual scan of all items carried into the facility. Subject to random pat search and/or electronic scan.</p>	<p>Same as Medium</p>	<p>Same as Close/Max</p>

JOB FUNCTION: MOVEMENT CONTROL

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
<p>SUPERVISE IN UNIT, OUT-OF-CELL ACTIVITIES</p>	<p>Limited movement restrictions within unit, intermittent visual supervision by Custody staff.</p>	<p>Movement outside of cell/room limited with frequent staff supervision required. Staff supervision may be substituted with video monitoring.</p>	<p>Direct visual observation by staff required during all movement outside of cell. Direct observation may be substituted on a limited and discretionary basis by video monitoring.</p>	<p>Direct visual observation by staff required during all movement outside of cell.</p>
<p>MONITOR MOVEMENT INSIDE THE FACILITY</p>	<p>Limited restrictions. Special or emergency moves may require staff escort.</p>	<p>Frequent observation of all movement with movement authorization required. Staff observation can be substituted where appropriate with video monitoring. Special or emergency moves require minimum of one custody staff escort. Designated locations such as an activity observation post may be used during conduct of activities only.</p>	<p>Direct visual observation of all routine group and individual movement. Group movement requires escort or designated visual supervision. Individual movement requires authorization. Special or Emergency moves require two Custody staff on one inmate. Activity observation post may be used during conduct of activity.</p>	<p>All movement out of cell requires one on one staff escort. Special or emergency moves require two Custody staff on one inmate.</p>
<p>CONDUCT OFF-GROUNDS ESCORT</p>	<p>One staff escort per 10 inmates during routine transports. Emergency transports may require at least one staff per inmate.</p>	<p>Two Custody staff escorts, one who is armed. Restraints required. Two inmate maximum per escort.</p>	<p>Same as Medium</p>	<p>Same as Close/Max. Special /Emergency moves may require second vehicle with armed officer(s)</p>
<p>CONTROL AND OPERATE SECURITY DOORS</p>	<p>Staff requirement limited to designated security doors and designated limited access areas.</p>	<p>Staff required to operate all security doors, cell/room doors and designated limited access areas.</p>	<p>Required operation by staff from secure control room location for designated buildings, exits and entries, cell doors. Limited access doors to be controlled by designated staff in proximity.</p>	<p>All entrance, exit and cell doors operated by Custody staff from a secure location.</p>

JOB FUNCTION: INMATE MANAGEMENT

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
SUPERVISION OF INMATE WORKERS	Frequent staff supervision and presence.	Frequent supervision by assigned work supervisor with intermittent supervision and presence by Custody staff.	Direct supervision by assigned work supervisor with frequent supervision and presence by Custody staff.	Not normally assigned to work details, if assigned then direct Custody staff supervision is required w/visual observation of activity from a secure location.
SUPERVISION DURING RECREATIONAL ACTIVITIES	Frequent staff supervision and presence or intermittent supervision by Custody staff.	Frequent visual supervision by Custody staff with emergency response capability.	Direct and constant Custody supervision from both vicinity and secure location with emergency response capability.	Direct visual Custody supervision from secure area with emergency response capability.
SUPERVISION AT MEALS	Staff presence	Custody staff supervision and presence with emergency response capability	Visual Custody staff supervision from both vicinity and secure location with emergency response capability.	Deliveries by Custody staff to cell front under direct supervision from a secure area.
SUPERVISE NON-CONTACT VISITING	Intermittent visual monitoring by Custody staff or by electronic means.	Frequent visual monitoring by Custody staff or by electronic means.	Same as Medium	Same as Close/Max
SUPERVISE ON-SITE MEDICAL, INFIRMARY ACTIVITIES	Staff observation as required or directed by medical staff	Frequent visual supervision by assigned staff with emergency response capability.	Constant supervision by assigned staff visually or by video when outside of secure cell/room with emergency response capability.	Direct visual supervision from a secure location with emergency response capability.
CONDUCT OFF-GROUNDS HOSPITAL WATCH	Staff supervision and presence.	Staff supervision and presence. Normally one Custody staff utilizing restraints as indicated.	Same as Medium	Staff supervision and presence. Restraints in all cases. Up to two Custody staff as indicated.

JOB FUNCTION: CONDUCT OF COUNTS

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
CONDUCT FORMAL COUNT	At least once each shift	Same as Minimum	Same as Medium	Same as Close/Max
CONDUCT INFORMAL COUNT	At least once per shift, if off grounds then continuous but not less than once per two hour period. As required due to miscounts or need to positively identify inmates not accounted for during formal or informal count.	Upon each cell or room-front check or inspection or if in work areas continuous but not less than once per hour.	Same as Medium	Continuous at each cell front check and/or inspection.
CONDUCT I.D. COUNT		Same as Minimum	Same as Medium.	Same as Close/Max

JOB FUNCTION: PROPERTY CONTROL

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
ISSUE SUPPLIES, MAIL & PERSONAL ITEMS	Issued by staff from designated locations in the facility.	Same as Minimum	Same as Medium	Issued by Custody staff at the cell-front or shower stall.
ISSUE OF LAUNDRY	Issued by staff or made available to inmates from area which represents the least staff intensive requirements.	Issued by staff from designated or centralized location in facility or unit.	Same as Medium	Issued by Custody staff at the cell-front or shower stall.

JOB FUNCTION: INCIDENT RESPONSE

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
RESPOND TO FIGHTS	Required of all staff. Notification to other staff, presence, immediate verbal intervention and implementation of intervention and use of force continuum as indicated.	Same as Minimum	Same as Medium although the frequency and intensity of the requirement may be greater due to type of inmates supervised and the number of behavioral problems and other incidents likely to occur.	Same as Close/Max
RESPOND TO FIRES	Required of all staff. Detect & report. Assess & respond as indicated. Evacuate & control movement as necessary.	Same as Minimum	Same as Medium	Same as Close/Max
RESPOND TO MEDICAL EMERGENCIES	Required of all staff. Detect and report. Secure area for safety and security, render first aid and assist medical personnel as necessary.	Same as Minimum	Same as Medium although the frequency and intensity of the requirement may be greater due to type of inmates supervised and the number of behavioral problems and other incidents likely to occur.	Same as Close/Max
HANDLE INFECTIOUS WASTE	Required of all Custody staff. Handles, processes and disposes of items contaminated by blood and body fluid spills such as clothing, personal items and cleaning materials. Uses protective gear and documents any exposure.	Same as Minimum	Same as Medium although the frequency and intensity of the requirement may be greater due to type of inmates supervised and the number of behavioral problems and other incidents likely to occur.	Same as Close/Max
RESPONDS TO DRILLS, DISTURBANCES AND OTHER EMERGENCIES	Required of all staff. Assess emergent situation, notify other staff, contains the incident and assists other staff in resolution and documents events.	Same as Minimum	Same as Medium although the frequency and intensity of the requirement may be greater due to type of inmates supervised and the number of behavioral problems and other incidents likely to occur.	Same as Close/Max
CRIME SCENE PRESERVATION & EVIDENCE HANDLING	Required of all Custody and designated staff. Secure the scene and report. Assists responding or investigating staff as necessary and documents events.	Same as Minimum	Same as Medium although the frequency of the requirement may be greater due to type of inmates supervised and the number of behavioral problems and other incidents likely to occur.	Same as Close/Max

JOB FUNCTION: USE OF EQUIPMENT

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
USE OF RADIOS	Receives and transmits communications for routine and emergency purposes by use of portable or fixed two-way radio. Conducts routine maintenance.	Same as Minimum, facility requires secure base station location and operation.	Same as Medium	Same as Close/Max
USE OF TELEPHONE	Required to communicate effectively by use of telephone during conduct of routine and emergency related post duties.	Same as Minimum	Same as Medium	Same as Close/Max
USE OF VIDEO CAMERAS AND MONITORS	Required to operate video equipment as part of designated, routine, or emergency related post duties.	Same as Minimum	Same as Medium	Same as Close/Max

JOB FUNCTION: USE OF RESTRAINTS

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
APPLY WRIST RESTRAINTS	All Custody staff are required to apply wrist restraints when necessary during routine/emergency post assignments.	Same as Minimum	Same as Medium although the frequency of the requirement may be greater due to type of inmates supervised and the number of behavioral problems and other incidents likely to occur.	Same as Close/Max
APPLY ANKLE RESTRAINTS	All Custody staff are required to apply ankle restraints when necessary during routine or emergency post assignments.	Same as Minimum	Same as Medium although the frequency of the requirement may be greater due to type of inmates supervised and the number of behavioral problems and other incidents likely to occur.	Same as Close/Max

JOB FUNCTION: ADMINISTRATION

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
CONDUCT SHIFT CHANGE BRIEFINGS	All shift staff are required to check in with the Shift Management staff prior to assuming post, review current activities with the off-going officer, perform operational checks and assume operation of the post.	Same as Minimum	Same as Medium	Same as Close/Max
READ POST ORDERS	All staff assigned to a post or position are required to read their post orders monthly or as changed and discuss any questions or need for clarification with the supervisor.	Same as Minimum	Same as Medium	Same as Close/Max
CONDUCT EQUIPMENT INVENTORY	All staff assigned equipment as part of their post responsibilities are required to conduct a routine equipment inventory at the beginning of each shift and randomly during the shift to verify location and condition.	Same as Minimum with the exception that there may be greater quantities of equipment due to the custody level of the inmates supervised.	Same as Medium	Same as Close/Max
MAINTAIN KEY CONTROL	All staff must account for and control all keys assigned to them or their post. This accounting may include documentation and issuance or receipt and management of key chits or receipts.	Same as Minimum with the exception that there may be additional numbers of keys to manage due to the custody level of the inmates supervised	Same as Medium	Same as Close/Max
MAINTAIN TOOL CONTROL	All staff who are assigned tools as a part of their regular post duties, or who are responsible for a work area where hazardous tools or tools of security concern are used, must account for them at all times. This accounting may require routine inventories, direct supervision and documentation of issue and use.	Same as Minimum with the exception that greater quantities and variety of tools will require control or supervision due to the type, behavior and custody classification of the inmates supervised.	Same as Medium	Same as Close/Max with the exception that fewer if any tools will be made available due to the behavior and security risks associated with inmates housed in these areas.

JOB FUNCTION: REPORTS & DOCUMENTATION

JOB TASK	MINIMUM	MEDIUM	CLOSE/MAX	RESTRICTED HOUSING
<p>WRITE REPORTS AND MEMOS</p>	<p>All staff are required to document activities, inmate behavior and other incidents that occur during their shift. All reports are required to be accurate, complete, legible, grammatical, and clearly written.</p>	<p>Same as Minimum although the frequency of the requirement may be greater due to the type of inmates supervised and the number of behavioral problems and other incidents likely to occur.</p>	<p>Same as Medium although the frequency of the requirement may be greater due to the type of inmates supervised and the number of behavioral problems and other incidents likely to occur.</p>	<p>Same as Close/Max</p>
<p>MAINTAIN LOG BOOKS</p>	<p>All staff are required to maintain a record of activities of their assigned area, unit or post.</p>	<p>Same as Minimum although the frequency of the requirement may be greater due to the type of inmates supervised and the number of behavioral problems and other incidents likely to occur.</p>	<p>Same as Medium although the frequency of the requirement may be greater due to the type of inmates supervised and the number of behavioral problems and other incidents likely to occur.</p>	<p>Same as Close/Max except these housing areas require comprehensive documentation of all activities of both staff and inmates.</p>
<p>WRITE INFRACTION REPORTS</p>	<p>All staff are required to manage inmate behavior problems and prevent and/or report violations of rule.</p>	<p>Same as Minimum although the frequency of the requirement may be greater due to the type of inmates supervised and the number of behavioral problems and other incidents likely to occur.</p>	<p>Same as Medium although the frequency of the requirement may be greater due to the type of inmates supervised and the number of behavioral problems and other incidents likely to occur.</p>	<p>Same as Close/Max</p>



APPENDIX F
Jail Design and Operation and the Constitution

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

[Excerpts from]

JAIL DESIGN AND OPERATION

and

THE CONSTITUTION

An Overview

William C. Collins

Attorney at Law

[The document from which this material is extracted was prepared under Technical Assistance event # 96-J1052 from the National Institute of Corrections, U.S. Department of Justice. Contact the National Institute of Corrections to obtain the complete report.]

Chapter II. History of Court Involvement

[Chapter I and material related to court involvement prior to 1980 is omitted here. For complete text consult the source document, *Jail Design and Operation and the Constitution, An Overview*. This document may be obtained through the National Institute of Corrections.]

One Hand On, One Hand Off -1980 to Date

The Supreme Court stemmed the tide of court involvement and judicial activism in 1979, with its first double-bunking decision, *Bell v. Wolfish*, 441 U.S. 520 (1979). In that decision, the Court strongly indicated that it felt lower courts had often gone too far in the name of inmate rights. Since that time, court involvement with correctional issues has retreated somewhat. This is due to several factors.

- Improved jail and prison operations.
- A conservative Supreme Court, which sent the clear message in several decisions that lower courts were going too far in defining and enforcing inmate rights.
- Increased professionalism among persons working in corrections.
- More staff, with better pay and more training.
- Better facilities.
- Development and general acceptance of professional standards from groups such as the American Correctional Association and state agencies. Enforcement of state standards, where done, is also important.
- Improved funding, without which most of the above improvements could not have occurred. But the ultimate motivator for the improvements, more than any other factor, was litigation or the threat of litigation: "If we don't (improve in some way), we'll get sued." The history of corrections in the last third of the 20th Century is, more than any other single thing, the history of court involvement.

Inmate Rights: What Are The Issues?

Major areas of constitutional rights for inmates come from four constitutional amendments.

First Amendment To what extent may authorities restrict inmates' rights of religion, speech, press, and in general, the right to communicate with persons outside the jail?

Fourth Amendment What types of searches are reasonable or unreasonable for inmates, visitors, and staff? What privacy protections do persons retain when entering the jail?

Eighth Amendment What conduct, such as the use of force and conditions of confinement, amount to cruel and unusual punishment?

Fourteenth Amendment (due process and equal protection)

- What types of procedural steps (notice, hearing, etc.) must accompany the decision to discipline an inmate to better assure the decision is made fairly?

- What other types of decisions require some form of due process, and what form must that process take?
- Due process also protects/regulates conditions of confinement for pretrial detainees, who are not protected by the cruel and unusual punishment clause of the Eighth Amendment. The requirements of the Eighth and Fourteenth Amendments in this context are essentially the same. • What are the institution's *affirmative* obligations to assure inmates' access to the courts and assist them in preparing legal papers? This is a resource and physical plant issue, which is often overlooked at the jail level.
- Regarding equal protections: are there legitimate reasons for treating different groups of inmates differently? What justifies providing programs and facilities for female inmates that are typically of lesser quality and quantity than programs and facilities provided for men ("parity")? Some courts that have examined this question have found no adequate justification for such differences *McCoy v. Nevada Department of Prisons*, 776 F. Supp. 521 (D. Nev., 1991). Others have reached the opposite conclusion, *Klinger v. Dept. of Corrections*, 31 F. 3d 727 (8th Cir. 1994).

Scope of Court Involvement: You Name It!

It is simple to summarize the constitutional amendments that affect the operation of a jail. The specific areas of jail operation touched by one or more of those amendments are considerably more complicated. Few areas of jail operation have not been the subject of at least one (if not many) lawsuits over the years. Some of the issues that courts have addressed (with varying results) include:

- Inmate safety, classification;
- Quality of and access to medical care;
- Searches of inmates, visitors, and staff;
- Religious practices, clothing, hair and beards, wearing of medallions, attending services, access to religious literature, "what is a religion," sincerity of beliefs;
- Cross-gender staffing, observation and searches of one sex by the other;
- Diets, both medical and religious;
- Access to reading materials or limitations on what inmates can read;
- Access to the courts and legal materials;
- Basic facility sanitation;
- Personal hygiene, e.g., toilet paper, toothbrushes, hot water;
- Out-of-cell time and exercise;
- Disciplinary sanctions and due process;
- Administrative segregation procedures for entry and conditions in segregation units;
- Censorship of incoming and outgoing mail, handling of legal mail;
- Diet and nutrition;
- Clothing;
- Overall physical environment, including such things as lighting, heating, cooling, ventilation, noise levels;
- Protection against suicide;
- Use of force, when, how much;

- Smoking and smoke-free jails;
- Abortions;
- HIV, disclosure, treatment, segregation;
- Employee training and qualifications.

Chapter III. Corrections and the Constitution as the Century Ends

Certain principles must be recognized about jails, the courts, and the Constitution. The Constitution protects inmates, and courts will hold jail administrators, county commissioners or supervisors, and even counties accountable for violation of inmates' rights. While these principles may stir heated argument among government officials as they are applied in particular ways, the reality of the principles is no longer a subject for debate.

The Constitution protects inmates. "Prison walls do not form a barrier separating prison (or jail) inmates from the protections of the Constitution" *Turner v. Safley*, 107 S.Ct. 2254, 2259 (1987). "There is no iron curtain drawn between the Constitution and the prisons of this country" *Wolff v. McDonnell*, 418 U.S. 539 (1974). Though specific interpretations of the Constitution have ebbed and flowed over the last 25 years, the principle that the *Constitution protects inmates* has not changed.

Officials are accountable. Federal courts will hold government officials and agencies accountable for knowing and meeting the obligations the Constitution imposes. Neither ignorance of the law nor lack of funds is going to be an acceptable excuse for violating the rights of someone in jail.

Government officials may balk when faced with a court order. An elected or appointed official who tells the federal court to "go to hell" and ignores the court's order may provoke great media coverage and short-term voter approval, but in the end the will of the court will prevail. Resistance to the order will simply add to the taxpayer's bill and, if anything, increase the level of court intervention.

Believing that "the federal judge has no business telling us how to run our jail and spend our money" may translate to "by fighting a lost cause, the size of the fee the county will have to pay to the inmates' lawyers will dramatically increase and the county will get nothing in return."

Correctional law then is a fact of life for governments operating jails and the people who run those jails. Remember the admonition from one of the earliest inmate rights cases: If the government is going to run a jail, "it is going to have to be a system that is countenanced by the Constitution of the United States."

The Future of Corrections and the Courts

For the last several years, court intervention in corrections has been shrinking. It appears this trend will continue. The conservative Supreme Court, which has been checking the growth of inmate rights and in some cases reducing those rights for the better part of 20 years, re-emphasized that courts should take a limited role in corrections cases in a 1996 decision, *Lewis v. Casey*, 116 S.Ct. (1996). In 1996 Congress passed the Prison Litigation Reform Act (discussed below), which is also intended to limit the power of the federal court in corrections cases.

If the threat of court intervention continues to diminish, funding sources may feel more comfortable in reducing correctional budgets. Where funding is decreased, the trend of growing professionalism in corrections may be set back. Lack of funds may lead to more crowded jails,

fewer staff, less training, decreased emphasis on self-evaluation and improvement, and the abandonment of state standards and their enforcement. The public's get tough on inmates attitude, reflected in such things as the movement to take away television, weights, and other things perceived as "perks," may contribute to a harsher attitude toward inmates from staff. If these things occur, serious problems in the operation of jails and prisons will inevitably reappear. These in turn may lead to a re-emergence of a hands-on era of increased court intervention.

Congress Becomes Involved in Inmate Rights

Since its beginning, the inmate rights movement has almost entirely been the result of courts interpreting and applying several amendments to the U.S. Constitution to the operation of jails and prisons. Legislative activity has played a very minor role. In the second half of the 1990s, this is changing as Congress has passed laws that directly affect inmates and their rights.

Prison Litigation Reform Act seeks to limit powers of courts. In the Spring of 1996, Congress acted in dramatic fashion to restrict the power of the federal courts over state and local corrections agencies in major conditions cases and to make it more difficult for inmates to file suits under section 1983. Highlights of the Prison Litigation Reform Act (PLRA) follow.

- Court injunctions in virtually all types of "inmate rights" cases, and certainly in large conditions of confinement cases, will presumptively end after two years upon request of the defendants unless it can be shown constitutional violations continue. This provision includes consent decrees. This is intended to end court orders that seem to run forever and where haggling between the parties and the court continues over relatively minor items that may not, in and of themselves, be of constitutional importance.
- Sharp limitations are placed on the powers of Special Masters and on the fees they can be paid. PLRA also requires that a Master's fees be paid by the court appointing the Master, not by the defendants as has been the custom.
- Limitations are placed on circumstances under which inmates' lawyers may be paid attorneys fees and on the amount of fees that can be paid. Fee awards based on hourly rates of \$250 to \$300 per hour or more should become a thing of the past.
- The practice of completely waiving court filing fees for indigent inmates has been changed. While payment of fees may be postponed, inmates with almost any money on their institution books are required to pay the full amount of the fee over time and the jail is permitted to send money to the court as it may appear in the inmate's trust account. Fee waivers now, in essence, are more like loans than gifts.
- Inmates are required to exhaust any administrative remedies available to them prior to filing a section 1983 claim in federal court. Previously such a requirement could be imposed only if an institution grievance process was certified by either a jurisdiction's local federal court or by the U.S. Justice Department as meeting standards for grievance procedures set under the Civil Rights of Institutionalized Persons Act.

- Inmates who have had three previous cases dismissed as frivolous, malicious, or failing to state a claim for relief are barred from filing additional section 1983 actions unless they claim they are in imminent danger of bodily harm.

PLRA is intended to apply retroactively and may provide the basis for many jurisdictions currently operating a jail under the provisions of a consent decree to go back to court to have the decree terminated.

PLRA is a very controversial law and is certain to be attacked as being unconstitutional for various reasons. For instance, there is a very serious question whether the Separation of Powers Doctrine in the Constitution allows Congress to impose limits on the power of the court as PLRA purports to do, especially with regard to court orders in effect when the law was passed.

Much, if not most, of PLRA probably will survive constitutional attack, at least as the law applies prospectively. The law will substantially change the nature of litigation by and on behalf of inmates. Only time will determine what these changes will be and whether they are beneficial or not.

Americans with Disabilities Act protections extend to inmates. A relatively new area of legal involvement with both program and physical plant implications is the Americans with Disabilities Act (ADA) of 1990. This comprehensive and complex federal statute and accompanying regulations address government programs and services and the entire employment process and generally make it illegal to discriminate against someone on the basis of a disability, unless very good reasons exist to justify such discrimination. ADA's requirements go far beyond such things as building ramps and installing wheelchair lifts. The basic requirement of ADA is that persons with disabilities be reasonably accommodated so they can participate in employment or government services or programs.

ADA's protections extend throughout the employment process and also to participants or beneficiaries of government services and programs. Thus, for the first several years of ADA's existence, it has been generally assumed that ADA protects inmates and visitors to the jail, as well as employees and job applicants. Now at least one court has questioned this assumption *Bryant v. Madigan*, 84 F.3d 246 (7th Cir., 1996). Until this issue is resolved, jail administrators need to understand both the procedural and substantive requirements of ADA and be sensitive to inmate claims of discrimination on the basis of a disability.

Chapter IV. The Constitution and Physical Plant

Understanding and complying with constitutional requirements are of major importance in facility design. Following are some of the physical plant issues with potential constitutional significance that should be considered in either remodeling an existing facility or designing a new one.

- Crowding.
- Capacities of physical plant (HVAC, plumbing, kitchen, etc.).
- Safety -- blind spots, staff access to inmates, staffing requirements dictated by the design.
- Exercise areas.
- Medical and mental health services -- what is in the jail, what is not and how the jail will handle the increasing number of mentally disturbed inmates.
- Heating, cooling, and ventilation.
- Sanitation and hygiene toilets, showers, etc.
- Life Safety Code.
- Staff supervision of and contact with inmates. A direct-supervision jail improves contact and interaction between staff and inmates compared to earlier designs, which isolate staff from inmates.
- Privacy and cross-gender supervision.
- Library and law library.
- Access for the disabled (ADA).

Constitutional requirements are not precise and written down in one place, like the Building Code. It is very difficult to say with precision what the minimum physical plant requirements are for a jail because, when conditions of confinement are reviewed under the Constitution, the question is "what are the *effects* of the conditions on the inmates?" A specific physical plant characteristic, such as inmate exercise areas, is rarely analyzed in isolation. A court may order "outdoor exercise one hour a day, five days a week" because of a unique set of facts that does not exist in another facility. Should the second facility allow the same level of exercise? Likewise, crowding may or may not produce very serious problems, depending on a variety of other factors, such as the quality of management and number of staff. The result is no constitutionally mandated square footage requirements.

Another problem that can develop is a false sense of complacency due to a "we haven't been sued up to now, therefore we must be OK" philosophy. The risk is that the jail is not okay, but no one has filed a lawsuit. Ignoring problems and letting them get worse only invites larger lawsuits later. "Pay me now or pay me later." The potential for legal problems developing because of a "pay me now or pay me later" approach can be reduced through well-formulated programs of audits and inspections.

Prudence, if not legal mandate, says that physical plant issues that have caught the attention of courts in the past should be addressed both in prioritizing improvements for existing jails and in planning and designing new facilities.

[Chapter V, "Understanding Section 1983 Lawsuits" and Chapter VI, "How Courts Evaluate Claims - The Balancing Act," are omitted. For complete text consult the source document, *Jail Design and Operation and the Constitution, An Overview*. This document may be obtained through the National Institute of Corrections.]

Chapter VII. The First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press ... (U.S. Constitution, Amendment I).

Common issues under the First Amendment include religious questions and censorship or rejection of publications and correspondence (with special attention to "legal mail" from courts, lawyers, and government officials). To a lesser extent other issues around communications between inmates and free people arise, including telephone and visiting, but these have not been litigated often. Most First Amendment issues are "balancing test" questions that involve day-to-day operational issues.

Religion

Several different issues have arisen around religion.

- Restrictions on religious practices. They include such restrictions as attendance at religious services (for instance, when temporarily segregated), wearing religious clothing or medallions, ability to keep long hair or beards, access to religious reading material (for instance, when jail staff feel the material is racist or otherwise likely to create unrest in the jail), participation in special ceremonies (Ramadan, sweat lodge), and religious diets, etc. Lawsuits over religious restrictions are the most common type of First Amendment religious claim.
- Determination of what is a religion. A witchcraft sect? Satanism? Religious groups that ask one to send in \$10 and receive a Doctor of Divinity degree in the return mail? Or other sects/cults that claim religious protections? This very complicated issue must be addressed at times. If a group claiming special privileges or accommodations because of religious status is not in fact a religion, the institution is under no obligation to make any accommodations.
- Sincerity of belief. If an inmate is not sincere in his/her religious beliefs, the institution has no duty to try to accommodate the inmate's special demands.
- Equality of opportunity to practice, especially for small religious groups.
- Expenditure of government funds, such as paying for chaplains.

Restrictions on religious practices are evaluated by courts under the "*Turner* test" described in the previous chapter. Examples of the sorts of restrictions which might be examined in this type of litigation include refusals to allow an inmate in segregation to attend group religious services, prohibitions on inmates wearing special religious clothing or jewelry, or refusals to provide special meals which complied with an inmate's religious dietary restrictions. From 1993 to mid-1997, such religious claims were evaluated by courts under a more rigorous legal standard, one mandated by a statute passed by Congress known as the Religious Freedom Restoration Act. However, the Supreme Court struck down this law as exceeding the constitutional powers of Congress. *City of Boerne v. Flores*, 117 S.Ct. 2157 (1997).

Other First Amendment Issues

Correspondence When may incoming or outgoing mail be read and censored, or rejected? Must postage and writing materials be provided? How rapidly must mail be delivered? What special precautions must be taken for "legal mail" from lawyers, courts, or other government officials? What due process procedures must be followed when a letter is rejected?

Publications What type of content justifies not allowing a publication into a jail? Personal taste of the jail administrator is not an acceptable reason for not allowing a publication, which can sometimes create controversy regarding sexually oriented publications. A particularly difficult issue arises regarding publications that are religious but may also be racist.

Visiting What restrictions may be placed on visiting and visitors? Are contact or conjugal visits required? The answer is "no" to both. Neither are constitutionally required, but contact visits are very common and a small but increasing number of state institutions allow conjugal visits. Courts have been slow to intervene with regard to visiting.

Chapter VIII. The Fourth Amendment

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ." (U.S. Constitution, Amendment IV)

The Fourth Amendment protects a person's reasonable expectations of privacy by prohibiting the government from conducting "unreasonable" searches and seizures. The reasonableness of a type of search varies, depending on its intrusiveness and the government's reasons for conducting the search. Jail, by definition, reduces the "expectation of privacy" of all entering, including inmates, visitors, and staff. The question in many lawsuits is how much the expectation of privacy is lowered or, conversely, how intrusive a search may be in jail, given the government's heightened need for security.

Arrestee strip searches are a unique jail search issue. Federal appeals courts across the country have uniformly condemned the traditional practice of strip searching everyone booked into the jail, regardless of the reason for arrest or actual suspicion that the person might be carrying contraband.

In the strip search cases, the government could not show that any significant amount of contraband, undetectable in a pat search, entered the jail via persons arrested for minor offenses such as unpaid parking tickets. Without such a showing, jails could not justify the dramatic privacy intrusion that accompanies a strip search. Courts require that "reasonable suspicion" has to exist to justify strip searching an arrestee. Reasonable suspicion could be based on the reason for the arrest (drug offenses, felonies, or violent felonies), a person's current behavior, or perhaps his/her past arrest record, *Weber v. Dell*, 804 F.2d 796 (2d Cir., 1986). *Weber* lists many other circuit courts of appeal that have adopted a similar rule. Courts have not retreated from this rule since the *Weber* decision.

Other major search issues, past and present, include:

Cross-Gender Supervision. What privacy-related limitations exist with regard to one sex supervising, observing, or pat searching the opposite sex? This issue is unresolved. Some caselaw supports female officers pat searching male inmates and tolerates "casual, incidental" observation of male inmates showering, using the toilet, or changing clothes. Probably very few posts or tasks exist in a male facility that women could not fill. There is not corresponding caselaw regarding male officers and female inmates. A 1993 decision said men pat searching women was cruel and unusual punishment, a violation of the Eighth Amendment, *Jordan v. Gardner*, 986 F.2d 1521 (9th Cir., 1993). Judicial uncertainty about this issue reflects society's difficulties in reaching a consensus on the relations between the sexes in the workplace and society at large.

Cross-gender supervision and inmate privacy issues have obvious implications for facility design. By putting up various types of privacy screens around showers and toilets, the jail can eliminate many of the "invasion of privacy" complaints inmates may have.

Activities such as strip searches, which require close examination of inmates in states of undress, should only be done by staff members of the same sex, except in emergency situations. Cross-gender supervision presents a three-sided conflict, instead of the typical two-sided dispute between the interests of the inmate and of the institution. Now inmate privacy and institutional security needs must be weighed with the equal opportunity rights of employees.

Some cross-gender search cases have raised claims under the First Amendment, with the inmate asserting that his or her religious beliefs prohibit being touched in relatively intimate ways by persons of the opposite sex (such as in a thorough pat search) or seen in states of undress by persons of the opposite sex.

Many jail administrators speak very highly about female correctional officers and use them virtually everywhere, for nearly every task, with few reservations. Except for tasks involving relatively direct observation of male inmates in the nude, it is doubtful a jail post today could be justified as "male only." It is not clear that the same could be said for male officers supervising female inmates because of a lack of court decisions addressing the issue of female inmates' privacy interests in terms being seen in states of undress by male *officers*.

Urine Testing. May inmates or staff be subjected to random urine tests? "Yes" for inmates, and "probably yes" for staff, at least when they work in direct contact with inmates. This issue was litigated many times when urine testing first became common.

Cell Searches. Must the jail have specific justifications for conducting cell searches and do inmates have the right to be present during cell searches? The Supreme Court said that no "cause" was required for cell searches, and the inmate had no right to be present, *Block v. Rutherford*, 104 S.Ct. 3227 (1984).

Strip Searches. Could inmates be strip searched without particular cause after contact visits or trips outside the secure perimeter of the jail? Yes (*Bell v. Wolfish*, 441 U.S. 520 [1979]). Questions remain as to whether inmates in the general population of a jail or prison may be strip searched without some level of cause, such as reasonable suspicion.

Body Cavity Searches. What level of cause must exist before an inmate may be required to submit to a body cavity probe search? (Reasonable suspicion, although many jurisdictions prefer to use the slightly more demanding standard of probable cause.)

How Searches are Conducted. How staff conduct searches is often important. A generally reasonable type of search may violate the Fourth Amendment if done unreasonably, so as to unnecessarily humiliate or degrade the inmate.

Searches of Visitors and Staff. In general, each has more privacy protections than inmates, but less than they would have on the street.

Chapter IX. The Eighth Amendment

"... nor cruel and unusual punishments inflicted" (U.S. Constitution, Amendment VIII)

Overview and Use of Force

Cruel and unusual punishment is a vague, subjective concept now commonly defined in the jail context as the "wanton and unnecessary infliction of pain." Previous court attempts to define cruel and unusual punishment have included such vague, subjective phrases as "shock the conscience of the court" or "violate the evolving standards of decency of a maturing society."

While the Supreme Court has generally now settled on "wanton and unnecessary infliction of pain" as its definition of cruel and unusual punishment in the jail and prison context, it defines the phrase differently in different situations. In the medical context (and other situations involving the basic human needs of inmates), the phrase is defined in terms of "deliberate indifference" to the serious (medical, safety, sanitation, etc.) needs of the inmates. By contrast, if use of force is being evaluated, wanton and unnecessary infliction of pain is defined by whether force was used "maliciously and sadistically for the very purpose of causing harm."

The Eighth Amendment has had greater impact on jail operations than other amendments because conditions of confinement are subject to Eighth Amendment scrutiny. It is through this amendment that courts enter sweeping orders, which have required such things as population caps, release of inmates, improvements to the jail's physical plant, and other costly and dramatic changes. As noted earlier, the power of federal courts to enter such orders has been recently limited to some degree by the Prison Litigation Reform Act.

• *Use of Force*

Use of force, the most common subject of Eighth Amendment claims, does not involve sweeping institutional reform issues. (Use of force claims brought by pretrial detainees are analyzed under the Due Process Clause of the Fourteenth Amendment.) Most force issues involve one inmate and one or two officers.

Jail staff are permitted to use force in many circumstances, including protecting themselves or others, protecting property, enforcing orders, and maintaining jail safety and security. But force, if excessive enough, violates the Eighth Amendment. Force becomes cruel and unusual punishment when it involves "the wanton and unnecessary infliction of pain,"

Hudson v. McMillian, 112 S. Ct. 995 (1992). *Hudson* further defined this phrase as meaning force that is applied "maliciously and sadistically for the very purpose of causing harm," instead of being used "in a good faith effort to maintain or restore discipline," 112 S.Ct. at 998.

In deciding whether force meets this standard, the Supreme Court said lower courts should consider five factors:

1. The need for the use of any force,
2. The amount of force actually used,
3. The extent of any injuries sustained by the inmate,
4. The threat perceived by a reasonable correctional official,
5. Efforts made to temper the use of force.

It is not hard for a legitimate use of force (such as an officer responding to an attack by an inmate or a group of officers removing a recalcitrant inmate from a cell) to cross the line and become an impermissible form of punishment, especially when an officer loses his/her temper. Therefore, training and supervision are of great importance in avoiding excess force problems. Officers need to understand **WHEN** force is appropriate, **WHAT** types of force to use, **HOW TO** use force properly, and **HOW MUCH** force is enough. Courts will not second guess most uses of force too closely, but the officer who does not know "when to say when" may be a lawsuit waiting to happen.

Avoiding Use of Force. Knowing how to accomplish a necessary goal (such as removing a disturbed and violent inmate from a cell) without using force is a vital skill for a correctional officer. Sometimes overlooked, interpersonal skills training helps officers defuse some potential force situations without resorting to force, can avoid potential litigation and, more importantly, can enhance the safety of both officers and inmates. Poor verbal and interpersonal skills can add to the natural antagonism between officers and inmates and thus provoke potentially physical confrontations.

In addition to training in the use of force, close supervisory review of uses of force is very important in assuring that force is used properly.

Force cases usually involve only a few individuals and arise from a single incident. However, frequent use of force in a jail maybe an indicator of larger problems. Administrators then need to evaluate individual incidents of force as well as watch trends in force usage.

Facility design and the operating philosophy dictated by that design can also affect staff inmate relationships and have an impact on the number of force situation that arise in the jail. Good training, good supervision, and well written reports can be useful in defending force claims. Many institutions now routinely videotape force incidents whenever feasible. Many say that the taping not only provides good evidence in court, but can deter inmates from provoking force incidents and staff from using excessive force.

Medical Care

The quality and quantity of medical care is also a common subject of Eighth Amendments lawsuits. As with most inmate litigation, the great majority of such suits are resolved in favor of the defendant institution administrators and medical staff. However, many decisions over the years, have favored inmates. These have had a significant effect on the nature of medical care provided in correctional facilities and have put a hefty price on inadequate medical care.

Some early medical cases involved the following situations.

- Medical care for an 1800-bed prison was provided by one doctor and several inmate assistants in a substandard hospital. *Gates v. Collier*, 501 F.2d 1291 (5th Cir., 1975).
- An inmate's ear was cut off in a fight. The inmate retrieved the ear, hastened to the prison hospital, and asked the doctor to sew the ear back on. Medical staff, it was alleged, looked at the inmate, told him "you don't need your ear," and tossed the ear in the trash, *Williams v. Vincent*, 508 F.2d 541 (2d Cir., 1974).
- Medical services were withheld by prison staff as punishment. Treatments, including minor surgery, were performed by unsupervised inmates. Supplies were inadequate and few trained medical staff were available in a prison the court termed "barbarous." Twenty days passed before any action was taken for a maggot-infested wound, festering from an unchanged dressing, *Newman v. Alabama*, 503 F.2d 1320 (5th Cir., 1974).

The barbaric issues of the early cases rarely arise in medical cases in the 1990s, but some old issues repeat themselves and new issues continue to develop. AIDS presents many complex legal and operational issues. The dramatic upsurge in tuberculosis (TB), especially new drug resistant strains of TB, creates problems of screening, testing, and protection for both staff and inmates, since TB bacteria are airborne.

Getting Medical Cases to Court. Issues concerning inadequate medical care can be presented to courts through two different legal vehicles: tort cases brought in state court, and civil rights actions brought under 42 USC section 1983, in either federal or state court.

Inmates, like any other recipient of medical services, can sue providers of care for malpractice in a tort suit. Such suits attempt to show that the provider was in some way negligent in providing the care, i.e., that the care failed to meet a reasonable standard of care as measured by prevailing medical practice in the community. Tort suits seek only damages as relief and typically focus on individual conduct. Relatively few inmates present their medical claims to the courts through tort actions.

By far the preferred means of suing over institutional medical care is to bring a civil rights suit under section 1983, even though the legal test a plaintiff must meet in a civil rights case is more difficult than in a tort case. Since the typical inmate medical lawsuit is a civil rights suit, the balance of this discussion focuses on constitutional issues and medical care.

The Constitution and Medical Care

The Supreme Court decided its first inmate medical case in 1976, announcing a test for evaluating the constitutional adequacy of medical care that remains in place today:

"We therefore conclude that *deliberate indifference to serious medical needs* (emphasis added) of prisoners constitutes the 'unnecessary and wanton infliction of pain,' proscribed by the Eighth Amendment," *Estelle v. Gamble*, 429 U.S. 97, 105.

In reaching its conclusion, the Court emphasized that the inmate must rely on the government to treat his/her medical needs since the fact of incarceration prevents the inmate from obtaining

his/her own treatment: "If the authorities fail (to treat medical needs), those needs will not be met. In the worst cases, such a failure may actually produce physical torture or a lingering death" 420 U.S. at 103.

The test from *Estelle* is not an easy one for an inmate to meet. In *Estelle*, the Court made it clear that deliberate indifference requires more than a showing of simple negligence --medical malpractice does not violate the Constitution. In subsequent cases, the Court moved the definition of deliberate indifference to beyond even gross negligence. In very simple terms, an "oops" in medical care does not violate the Constitution (although it may be a tort). However, "who gives a damn" violates the Constitution.

What is "Deliberate Indifference?" Although the Supreme Court first used the phrase "deliberate indifference" in 1976, it did not try to define the phrase for nearly 20 years. Then, in *Farmer v. Brennan*, 114 S.Ct. 1970 (1994), the Court finally revisited "deliberate indifference." At issue in *Farmer* was the question of whether an institution official could be deliberately indifferent in a situation in which the official did not know of a problem (such as a serious threat to an inmate's safety or a serious medical need) but reasonably "should have known" about the problem. Various lower courts had said that under some circumstances, an official could be liable for what he/she should have known.

In *Farmer*, the Supreme Court disagreed, saying that an official must have *actual knowledge* of a problem before the official can be deliberately indifferent. ". . . a prison official cannot be found liable... for denying an inmate humane conditions of confinement unless the official knows of and disregards an excessive risk to inmate health or safety," 114 S.Ct. at 1979.

In saying that actual knowledge of a problem is part of the deliberate indifference test, the Court adopted the same subjective test as courts use to determine criminal recklessness. This is a difficult test for plaintiffs to meet and should reduce the overall liability exposure of correctional officials, especially supervisory officials. In cases that involve one inmate and only a single incident, it will be very difficult to show a supervisory official, such as a jail administrator, had actual knowledge of the inmate's problem. One negative aspect of the ruling may be that more suits are directed at line staff, since they are more likely to have direct knowledge about a problem.

It is difficult to say whether *Farmer* will have an impact on medical *systems* cases or other large conditions cases, which are typically class actions. For example, while the jail administrator may have no knowledge of medical problems an individual inmate has encountered, the administrator is more likely to have knowledge of systemic deficiencies in the medical system that may be the result of serious crowding, underfunding, or poor administration. These systemic problems and their causes would be the focus of a conditions case.

Although decided before *Farmer*, a Ninth Circuit decision provides some guidance as to what deliberate indifference means in the medical context, *McGuckin v. Smith*, 974 F.2d 1050 (9th Cir., 1992). The court said that a simple accident cannot be deliberate indifference. Delaying treatment does not show deliberate indifference, *unless the delay is harmful*. Harm, said the court, could be shown from continuing pain, not just that the condition worsened. Budget limitations may often create strong pressure to delay expensive treatment but, any time treatment is delayed, doctors should evaluate the medical consequences of that delay.

In *McGuckin*, over three years passed between an injury to the inmate's back and corrective surgery. Several months elapsed after the surgery was finally recommended and the plaintiff was in pain during the entire time. No one offered an explanation to justify the delay between diagnosis and treatment. To the court, the care the inmate received clearly violated the Eighth Amendment. However, the defendants won the case because the plaintiff sued the wrong people, none of the defendants was responsible for the inadequate care.

- **Individual Cases**

The case mentioned above is an example of individual litigation -- the medical care given a single inmate. Other examples include an institution's refusal to change an inmate's job assignment after being advised the assignment aggravated the inmate's allergies, *McDaniel v. Rhodes*, 512 F.Supp. 117 (S.D. Ohio, 1981). Delay (or refusal) in providing prescribed medical treatment has been the subject of numerous cases. Often the underlying problem is a conflict between concerns of the institution's custody staff and the medical staff. Custody staff may override a doctor's order for treatment out of fear that the treatment will threaten security. For instance, crutches given to an inmate could be used as weapons by the inmate or others in the cell block. In other instances, budgetary needs may cause the delayed treatment. Given that custody/medical conflicts are not uncommon, a facility needs a process by which such conflicts are resolved carefully.

Suicides Lawsuits and sometimes substantial liability commonly follow suicides. The issues in a suicide case often arise around (1) identification of possible suicidal inmates, (2) protecting and monitoring them once identified, and (3) responding to suicide attempts. Proactive efforts to prevent suicides in jails through such steps as improved screening at booking can be very successful and can be implemented with minimal cost.

Suicide cases may be brought as tort cases under state law, in which the claim is generally that officials were simply negligent, or as civil rights cases. In the latter situation, the claim will be that officials were deliberately indifferent to the medical or safety needs of the potentially suicidal inmate. The trend over the last several years has been for civil rights claims arising from suicides to be harder for plaintiffs to win. Addition of the "actual knowledge" requirement from the *Farmer* case will continue this trend. However, even though such cases may be increasingly difficult for plaintiffs to win, lawsuits over suicides are likely to remain common.

- **Systems Cases**

The fundamental questions in a medical systems case can be stated simply: **TIMELY**

Access May any inmate who feels he/she has a medical problem obtain timely access ("timely" varying with the nature of the medical problem) to ...

Qualified Staff Are the staff providing medical care qualified to do so? Are they practicing within the scope and limitations of their licenses? And do these staff provide ...

Diagnosis Is the medical staff equipped with adequate resources for diagnosis and treatment and, at least where a "serious medical need" exists ("serious" is also a relative term), does the inmate receive ...

Treatment Generally appropriate care in a timely fashion.

It is one thing to develop a medical system of Access - Qualified Staff - Diagnosis - Treatment for readily treatable short-term medical problems, but it is something else again to meet treatment demands that may be very expensive and of indefinite duration. Although most inmates are in and out of the jail in a matter of days or weeks, some may remain well over a year. Many of these long-term inmates have serious medical problems, either of a chronic or acute nature. The costs of treating these problems may be huge, yet delaying or denying treatment to save money places the jail at grave liability risk.

Many factors may be evaluated when the adequacy of an entire medical service delivery system is attacked. Here are some of the more common factors that courts have reviewed in this type of litigation:

- Adequate numbers of properly qualified medical staff (including dental and mental health staff);
- Medical records;
- Sanitation;
- Intake screening (particularly important in the jail setting, where a disproportionate number of suicide attempts occur within the first few hours after admission);
- Adequacy of the physical plant (this may include questions about what is available for both physical and mental illnesses);
- Special diets;
- Access to medical staff, i.e., the sick call system;
- Emergency response systems;
- Overall policies and procedures;
- Training;
- Medications and medication delivery systems;
- Delayed or denied treatment (a very real problem with budget shortages).

In short, every part of a medical service delivery system is subject to review in a case that claims the medical system is deliberately indifferent to the medical needs of the inmates. Inquiries will begin with intake medical screening for new arrivals at the jail and will continue through the most elaborate medical procedures.

- ***Non Medical Staff is Important***

Medical litigation is not limited to acts or omissions of medical staff or the adequacy of the medical department. Issues often arise from the actions of custody staff.

- The sick call system often depends on custody staff conveying written (or sometimes oral) requests for medical care to the medical department.

- Custody staff may be responsible for escorting inmates to the medical department and for treatment outside the confines of the institution.
- Custody staff can impede or facilitate access to medical staff in emergency situations, e.g., the inmate with an emergency during the night depends on custody staff to forward a request for help to medical personnel.
- Custody staff may be in a position to impede or even prevent prescribed treatment from being delivered, such as ignoring a medical order for bed rest or light duty for an inmate and instead requiring the inmate to resume a strenuous workload.

Conflicts between competing interests and concerns of custody and medical departments are not uncommon in a prison or jail. It is essential that mechanisms exist that allow a thoughtful resolution of such disagreements quickly enough to prevent harm to the inmate from delayed or denied care or treatment.

Consider the following situation, which is a classic example of the medical/custody conflict: An inmate injures his arm in some way. A nurse at the jail sees the inmate, orders that he be taken to a local hospital for additional treatment, and directs that his arm be kept elevated during transport. The transportation lieutenant notes that institution policy requires all inmates being moved outside the facility be shackled. Following this policy to the letter, the lieutenant orders the inmate shackled, overruling the nurse's order to keep the inmate's arm elevated. If the arm injury is worsened as a result of not being elevated during the move, the inmate would have an excellent claim for deliberate indifference to his serious medical needs. The claim would name the lieutenant and might also name the facility head or even the county for being responsible for the policy the lieutenant followed.

Serious Medical Need. Unfortunately, court decisions do not provide a "bright line" between serious and non-serious medical needs. Determining whether a need is "serious" may involve consideration of various factors. Will a delay in treatment result in further significant injury or the "wanton and unnecessary infliction of pain?" Is the injury one which "a reasonable doctor or patient would find important and worthy of comment or treatment?" Does the condition significantly affect the person's daily activities? Is there "chronic and substantial pain." *McGuckin v. Smith*, 974 F.2d 1050, 1060 (9th Cir., 1992)?

While there are many examples of medical needs that are not serious and, therefore, a jail has no obligation to treat, many other conditions fall into a gray area where it is very difficult to decide with assurance that a particular need is not serious. An arbitrary policy stating certain medical conditions will be treated and others will not can be problematic. While attempts to draw lines between what will and will not be treated are legitimate, such lines should be drawn with care and should be flexible.

- ***Medical Issues of the Late 1990s***

Perhaps the simplest way to predict what the main legal issues in correctional medicine will be in the next decade is to ask what the main medical problems will be. If an operational problem

exists, it is safe to assume it may wind up in court. The following are some likely candidates for lawsuits.

Medical Co-Pay Plans. More and more jails have begun charging inmates a small fee (\$5 - \$10) for using the medical system. There is usually no charge for medical visits scheduled by the medical staff, only for visits initiated by the inmate. There also may be a small charge for drugs. The goal of such co-pay plans is not to recoup the cost of providing medical service, but rather to discourage inmates from overusing medical services. Early, anecdotal reports from jails with such programs indicate they do result in a significant reduction of usage and hence, a reduction in cost.

A co-pay plan that is flexible and contains broad exceptions (e.g., no charges for emergency services, routine health assessments, follow-up treatments, etc.) was approved - indeed praised - by a court in *Johnson v. Department of Public Safety and Correctional Services*, 885 F.Supp. 817 (D. Md., 1995).

Co-pay plans must assure the inmate retains access to the system on demand, with payment concerns addressed independently from access issues. A "no-pay, no-care" policy would present major liability concerns. Furthermore, the inmate should have notice of the co pay plan and some opportunity to challenge fees imposed. The normal inmate grievance system probably would suffice for this purpose. There is some question whether state law or local ordinances must specifically authorize charging for services.

Adequacy of Systems. As long as crowding remains the dominant problem in jails, suits over the adequacy of medical service delivery systems will continue. Increases in medical staff that match increases in the inmate population may reduce liability exposure. Unfortunately, such staffing increases often do not occur. Even when they do, population increases may outstrip the physical plant's capacity to meet the increased medical needs -- there simply are not enough examination rooms, infirmary beds, etc.

Increases in population also increase the likelihood of individual claims as more inmates drop through the ever-widening cracks created by too many inmates and not enough money, staff, and resources. In addition to systems claims driven by overcrowding, systems claims will be brought on behalf of inmates with chronic medical and/or mental health problems.

Mental Health Care. Mental health needs of inmates are subject to the same "deliberate indifference to serious medical needs" test as are physical medical problems. The number of mentally ill inmates in jails continues to climb, increasing the demand on treatment resources.

Many jail administrators complain of the difficulty in obtaining mental health treatment for an inmate from the traditional mental health system. The mentally ill inmate can be a danger to him/herself, to staff, and to others, and in danger from others. Consistent with both the safety and treatment needs of this group, separate housing must often be provided. The result is the creation of small mental hospitals within the jail. This presents a physical plant issue for the jail as well as challenging staffing issues relating to both treatment and custody staff.

Mentally ill inmates, like other inmates, have the right to refuse treatment, but the jail has the power to override an inmate's refusal of care and involuntarily medicate the inmate. However,

due process concerns must be addressed to assure that there is proper cause for involuntarily medicating the inmate and that proper procedures are followed in making the decision to medicate, *Washington v. Harper*, 110 S.Ct. 1028 (1990). Pretrial detainees also can be involuntarily medicated, although this decision may be complicated because of pending trials, *Riggins v. Nevada*, 112 S.Ct. 1810 (1992).

In general, to involuntarily medicate an inmate, the inmate must have a serious mental illness, must be a danger to self or others, and the treatment must be in the inmate's best medical interest.

AIDS. While there are many possible legal issues that can arise around AIDS, and while commentators expected a substantial amount of litigation and court concern over AIDS issues in correctional facilities, courts seem generally willing to leave choices on AIDS issues to correctional administrators.

Thus, courts neither require nor prevent segregation of inmates who are HIV positive, even though segregating HIV positive inmates has the effect of identifying them as such. *Tokar v. Armontrout*, 97 F.3d 1078 (8th Cir., 1996). *Harris v. Thigpen*, 941 F.2d 1495 (11th Cir. 1991). Similarly, courts have neither prevented nor required mandatory testing of inmates, *Harris, Doe v Wigginton*, 21 F.3d 733 (6th Cir., 1994) (inmate not meeting agency's criteria for testing had no right to be tested) *Dunn v. White*, 880 F.2d 1188 (10th Cir., 1989).

Other courts looking at issues around disclosure have said that at least there is no clearly established constitutional right which prohibits disclosure of information regarding HIV status. *Tokar, Anderson v Romero*, 72F.3d 518 (7th Cir., 1995). Where disclosure of HIV status has been upheld, it typically is recognized as coming as a result of the exercise of some legitimate concern of the institution, such as segregation. State statutes may also address HIV disclosure and confidentiality issues. Agencies still need carefully drawn policies on disclosure and should generally treat HIV status, as any other medical condition, as generally confidential.

Exclusion of HIV positive inmates from participating in programs may raise legal concerns under the Americans With Disabilities Act, *Harris, Gates v. Rowland*, 39 F.3d 1439 (9th Cir., 1994). Although the ADA does not specifically recognize security concerns as a justification for discriminating against someone who is HIV positive, the Ninth Circuit in the *Gates* case said that security concerns could justify discrimination. In *Gates*, the court upheld a prison rule prohibiting HIV positive inmates from working in food services.

As a serious medical need, inmates with AIDS are entitled to medical treatment, although courts have yet to explore how such treatment is required. *Hawley v. Evans*, 716 F.Supp. 601 (N.D.Ga., 1989).

While AIDS litigation may not have developed to the extent anticipated when AIDS first began to emerge as a serious problem for correctional agencies, it continues to raise issues of potential legal concern under both the federal Constitution and under state law. Carefully drawn and enforced policies remain very important in this area.

Tuberculosis. While TB does not present the life-threatening risk or the hysteria of HIV infection, the lifestyle of many people who end up in jail puts them at high risk of contracting

TB. The resurgent threat of TB raises a major public health concern for all who live or work in a jail. With those public health threats comes the potential for litigation. What precautions must a jail take to detect TB and prevent its spread to avoid being deliberately indifferent to what is clearly a serious medical need?

Because TB is spread through the air, agencies need to be concerned about protecting staff as well as inmates. In this regard, state or federal laws relating to workplace safety must be considered.

The Aging Inmate Population. Due to a variety of factors, there is and will continue to be an increasing number of elderly inmates. Many other inmates are physically far older than their chronological age due to drug use, lack of health care, personal lifestyle, etc. While issues related to elderly inmates are generally more prevalent in prisons than in jails, they do appear at the jail level.

Treating the chronic needs of this population will put increasing demands on jail medical resources. Like AIDS inmates, providing medical care for elderly inmates will raise the question of "how much *must* we do for this population, when society may do less for them when they leave the jail?"

Abortion and Other Women's Issues. A court of appeals held in late 1987 that a New Jersey jail's policy of allowing female inmates to obtain elective abortions only pursuant to court order was unconstitutional. Moreover, the county had the affirmative duty to provide abortion services to all inmates requesting such services. The court did not require the county to assume the full cost of inmate abortions, but seemed to be saying that if the county could not find anyone else to pay for the abortion, the county would have to pay for it. *Monmouth County Correctional Institution Inmates v. Lanzaro*, 834 F.2d 326 (3rd Cir., 1987).

The court reasoned that the county's obligations arose from two sources. First was the Eighth Amendment duty to provide care for serious medical needs (elective abortions were seen as such and the county's policy of not assisting inmates in obtaining abortions was seen as deliberate indifference). Secondly, the county policy impermissibly interfered with the female inmate's fundamental constitutional right to obtain an abortion, guaranteed by previous Supreme Court decisions.

Aside from the abortion issue, increasing numbers of women entering jail bring a variety of unique medical problems, not the least of which relate to pregnancy.

Disabled Inmates. As noted earlier, the Americans with Disabilities Act probably protects inmates. Even if it does not, the Eighth Amendment certainly does and courts have found violations of the Eighth Amendment arising from treatment given to disabled inmates.

In one case, a paraplegic inmate confined in a wheelchair was forced to live for nearly eight months in conditions that made virtually no accommodations for the handicap. The court's opinion described many problems the inmate encountered in using the toilet in his cell and in getting to a toilet from where he was assigned to work in the institution. *LaFaut v. Smith*, 834 F.2d 389 (4th Cir., 1987). See also *Bonner u Arizona Department of Corrections*, 714

F.Supp. 420 (D. Ariz., 1989), holding that the provisions of Sec. 504 of the Rehabilitation Act of 1973 (prohibiting discrimination against the handicapped) protected a prison inmate.

The lower court had also found the situation, which involved a federal institution, violated the Rehabilitation Act. This result was reversed as moot by the appellate court because the inmate had been transferred to another prison and later released altogether during the litigation.

Retrofitting an entire institution to accommodate the disabled could be tremendously expensive, but the *LaFaut* case shows that ignoring the needs of a paraplegic inmate can result in liability. Until prisons and jails are fully equipped for the disabled, extraordinary attention needs to be paid to the occasional handicapped inmate entering the institution.

The Eighth Amendment offers some protections for persons suffering from serious disabilities, and the Americans with Disabilities Act offers far more. The ultimate impact of the ADA on correctional operation is yet to be determined. At least one court has questioned the extent to which ADA applies to inmates. *Bryant v. Madigan*, 84 F.3d 246 (7th Cir., 1996).

Chapter X. Conditions of Confinement

A conditions of confinement lawsuit, which claims that some or all of the living conditions in the jail are so bad that they violate the minimal requirements of the Constitution, may be one of the biggest lawsuits a local jurisdiction can face.

The lawsuit, from the service of the complaint through pretrial discovery, trial, and formal appeal, can demand large amounts of time and money. Literally thousands of hours of lawyer's time may be needed, as well as large amounts of time of those who run the jail. Experts will have to be hired to review conditions in the jail and testify at trial.

A county attorney's office may not have the time or legal expertise to adequately defend a major conditions case. If the case is lost, the county will be required to pay the plaintiffs' attorneys' fees, which can reach well into six figures even with the limitations imposed by the Prison Litigation Reform Act. Various factors, not the least of which is the potential cost of litigating a major conditions case, may create major pressures to settle the case. Many jurisdictions have learned the hard way however, that a hastily drawn settlement agreement (a "consent decree," see Ch. XII) can create almost never-ending problems. In some ways it becomes a greater burden on the county than if the case had been fought through trial and lost.

As significant as the time and financial consequences of the conditions lawsuit can be, they pale in comparison to the suit's potential operational consequences for the jail and the county's entire criminal justice system. Prior to passage of the Prison Litigation Reform Act in 1996, the relief phase of a conditions case could last for years. It could involve more court hearings, more attorney fees, a court-appointed Special Master, paid by the county, to oversee implementation of the decree, and more extraordinary demands on county staff's time. Continuing controversy could revolve around issues of compliance with the court order or consent decree, which, if seen in isolation, did not rise to the level of constitutional importance,

The Prison Litigation Reform Act is intended to reduce the scope of the court's power in the relief phase of a major case. The PLRA does not attempt to change any of the substantive rights inmates have, but only the way a court may address violations of those rights. For instance, defendants may return to court every two years to ask that a decree be terminated. Unless it can be shown that constitutional violations continue, the court must terminate the decree. Population caps can be ordered only by a three judge court after less intrusive forms of relief have been tried and failed. The powers of Special Masters are sharply limited and the fees and costs of a Master must be paid by the court, not by the defendants.

There are serious questions about the constitutionality of the PLRA, but, if most of the law withstands constitutional attack, it certainly will change the way courts approach ordering relief in major conditions cases. While the law is intended to curb the powers of the federal court in certain ways, the court still retains the ultimate power to require defendants to bring conditions in jails up to constitutional levels. How this will be done in light of PLRA remains to be seen.

The public may not be interested in what goes on in a jail and will give few accolades to government officials for running a good jail. But a poorly run jail, which ignores legal

restrictions on how a jail must function, creates potentially huge monetary, legal, and operational consequences for the county.

- ***What Are The Issues?***

The issues in conditions cases have changed over the years. Conditions cases are sometimes referred to as overcrowding cases, although, technically, levels of crowding are no longer a direct measure of whether a jail meets constitutional requirements.

The ultimate question is whether the conditions in the jail amount to "cruel and unusual punishment." For pretrial detainees, who have not yet been convicted of a crime, the basic legal question is whether conditions amount to "punishment" in violation of the Due Process Clause of the Fourteenth Amendment. The distinction between the requirements of the Eighth and Fourteenth Amendments probably exists more in the minds of legal theoreticians and scholars than anywhere else. As a practical matter, there is no significant difference in conditions cases.

Since 1991, cruel and unusual punishment occurs when conditions are so bad as to amount to the "wanton and unnecessary infliction of pain" and evidence shows the responsible officials (which typically include the county commissioners) are "deliberately indifferent" to those bad conditions, *Wilson v. Seiter*, 111 S.Ct. 2321 (1991). The requirement that officials be deliberately indifferent to poor conditions was not previously part of the legal equation used to evaluate jail conditions. Prior to the *Wilson* decision, the focus was exclusively on the objective question of "how bad were the conditions," not on a subjective inquiry into the state-of-mind of the defendant officials. It is too early to tell what the addition of a state of mind requirement means in conditions litigation. Particularly at the local government level (where the county itself can be sued), many experts doubt that adding the deliberate indifference requirement will have much effect, if any, on whether a court finds a particular facility unconstitutional.

Wilson also made another change from earlier caselaw. Most earlier decisions evaluated the quality of a jail under a "totality of conditions" approach, in which all poor conditions (or at least certain categories of conditions) would be considered together as a totality. In *Wilson*, the Supreme Court said this was improper: "Some conditions of confinement may establish an Eighth Amendment violation 'in combination' when each would not do so alone, but only when they have a mutually enforcing effect that produces the deprivation of a single, identifiable human need such as food, warmth, or exercise - for example, a low cell temperature at night combined with a failure to issue blankets ... Nothing so amorphous as overall conditions can rise to the level of cruel and unusual punishment when no specific deprivation of a single human need exists," 115 L.Ed.2d 271, 283 (emphasis in original).

So *Wilson* tossed the phrase "totality of conditions," so common to those working with conditions cases, on the legal trash heap. What then are the particular conditions a court will focus on? As *Wilson* indicates, the fundamental question in a conditions case is what the *effects* are on inmates from deficiencies in the jail's provision of basic human needs. Is the jail adequately providing for these needs, identified in *Wilson* and other cases as including:

- **Personal Safety** What are the levels of violence in the institution? This is one of the most common issues, especially in jails plagued with serious overcrowding, since maintaining

adequate safety becomes increasingly difficult as the inmate population rises, the classification system breaks down, tempers get shorter because of the lack of privacy, etc. While a jail can be double-bunked without becoming unconstitutional *per se*, double-bunking dramatically increases the potential for violence, especially when staffing levels are not increased along with the population.

- **Medical Care** Medical care is often the subject of a separate lawsuit, which attacks the health care delivery system alone. Medical suits are described in greater detail in Chapter X. As with personal safety, medical care can be compromised to a constitutionally significant extent when the population is allowed to increase without some corresponding increase in medical staff and resources.
- **Food** Do inmates receive a nutritionally adequate diet, prepared and served in a sanitary way? Some dietary issues are linked to medical services. Other dietary issues may raise First Amendment questions about religion (e.g., pork-free diets required by various religions), although these would not normally be part of a conditions case.
- **Shelter** This is a broad category, relating to the overall physical environment in the institution. Fire safety is an important issue here, given the tremendous threat to life that can be created when fire protections are inadequate. Other shelter issues can include such diverse areas as heating, cooling, ventilation, lighting, and noise levels.
- **Exercise** Identified specifically in *Wilson*, the effects of the lack of exercise vary directly with how long the inmate must live without it.
- **Sanitation** Do the sanitary conditions in the jail threaten the health of the inmates? Does the plumbing work adequately? How clean is the facility, especially showers and bathrooms?
- **Clothing** Is the clothing adequate for the temperatures in which the inmates will be living, and does it provide adequate privacy? This is seldom an issue anymore.

While it is relatively easy to identify the areas of theoretical concern, it becomes very difficult to decide how bad problems must be in a given area before a court will intervene. That a condition does not comply with a given professional standard does not make it unconstitutional. However, the more a particular condition falls short of a professional standard (such as the fire code or recognized public health standards for sanitation), the more likely a court will find a constitutional violation.

The plaintiffs will attempt to show that (1) a bad condition exists, (2) inmates have actually suffered from the condition, and/or (3) harm to inmates is inevitable unless the condition is remedied. Defendants will, of course, try to contest all of these factors.

What About Crowding? Note that none of the factors relating to basic human needs speaks directly to crowding. In two cases, decided in 1979 and 1981, the Supreme Court made it clear that there is no "one man - one cell principle lurking" in the Constitution. *Bell v. Wolfish*, 441 U. S. 520 (1979), *Rhodes v. Chapman*, 101 S.Ct. 2392 (1981). Instead of counting beds and bodies, a court must evaluate the *effects of poor conditions* on the inmates, said the Court in each of these cases.

Obviously, crowding can be the major factor behind unconstitutional conditions, such as excessively high levels of violence in a jail or a poor medical system. As more inmates are packed into a jail, adequately providing for their basic human needs becomes more difficult, especially if staffing levels are not increased along with the inmate population. For instance, the staff and physical plant of a medical service delivery system designed to treat 500 inmates may be incapable of treating 750 - there just is not enough time and space. A classification system, intended in part to assure inmate safety, may break down when crowding makes it impossible to relocate inmates in a jail. As crowding increases, tensions go up, leading to increased violence. One custody officer may be overwhelmed when expected to monitor twice the intended number of inmates jammed into a housing unit.

One can easily imagine how other key service delivery systems in a seriously overcrowded jail can break down when expected to serve populations perhaps twice as large as they were designed to serve. So, while crowding *per se* may not make a jail unconstitutional, it is often the reason a jail is found unconstitutional. Prior to passage of the Prison Litigation Reform Act, when a court decided that (a) conditions in a facility violate the Constitution and (b) crowding is the primary cause of the conditions, the court was free to address crowding issues in its relief order. PLRA demands that other forms of relief, presumably less dramatic and controversial, be attempted before a court may directly address crowding through such mechanisms as inmate release orders or population caps. However, while PLRA postpones the court's ability to address crowding directly, it does not remove the ability altogether. Facilities with major constitutional violations that are the product of overcrowding still will have to face the reality that the solution to the constitutional problems lies in reducing the number of inmates in the jail.

Other Factors of Concern. Various other factors, while not of direct constitutional importance, can work for or against a jail. An overcrowded jail is not necessarily unconstitutional, and factors such as the ones below can easily make the difference between a crowded jail that will withstand constitutional attack and one that will not.

- **Quality of Management.** Enlightened, innovative, creative, responsive jail management is very important. Not only can good managers often find solutions to problems, they can set a tone in the jail that can positively affect relations between staff and inmates. While a court rarely criticizes jail management directly, it is obvious that the quality of management is a major contributor to a good (or bad) jail.
- **Management philosophy.** A management philosophy that encourages rigid staff-inmate relations with limited direct interaction between staff and inmates can make dealing with other problems more difficult. Facility design can *affect* staff- inmate relations.
- **Activities and Out-of-Cell Time.** Even when a jail is very crowded, meaningful activities that occupy the inmates' time can mitigate the negative effects of crowding and idleness. The old adage that "idle hands are the devil's plaything" is true in a jail, and it is important that the jail keep inmates busy. Activities include exercise, classes, programs, library, etc.
- **Numbers of Staff.** Although the Supreme Court said that double celling in an institution is not necessarily unconstitutional, one should not read too much into that statement. Allowing a jail's population to increase far beyond its design capacity without increasing the custody

and other support staff invites problems that could be avoided or at least reduced if more staff is present.

- **Classification System.** The classification system must be able to separate predatory inmates from potential victims. This may be impossible in a very crowded jail.
- **Training and Supervision of Staff.** Crowding only increases the stresses on both inmates and staff. A well trained and well supervised staff should be better able to handle this stress and help defuse its potentially negative effects.

Is Television a Constitutional Requirement? The trend that began in the mid-1990s to remove some of the amenities from jails, such as weights and other exercise equipment, TVs, and other recreational "perks," is not inherently unconstitutional -- there is no constitutional right to lift weights or to watch television. However, a policy of getting tougher on inmates may worsen operational problems if it leaves a crowded jail full of inmates with nothing to do. County policymakers who view stripping the jail of activities as getting tough on criminals and deterring crime by making jail as unattractive as possible may in turn make it more difficult for jail administrators and staff to control inmates and operate the jail at a constitutional level. An unintended consequence of running a "stripped-down" jail may be litigation and an increased likelihood of court intervention.

- ***Relief - Where the Going Gets Tough***

To understand the potential impact of a conditions case, recall the discussion in Chapter VI regarding the power of the federal court to order relief in a civil rights case once it finds a violation of the Constitution.

Public officials often decry what they believe is the improper and excessive intrusion of the federal court into matters that are "not the court's business". While there are examples of appellate courts reversing lower court relief orders for being too excessive, one must recognize and yield to the reality that the federal court has tremendous power to enter and enforce orders necessary to remedy constitutional violations, even in light of the Prison Litigation Reform Act.

As perhaps the ultimate example of this power, the Supreme Court has said that as a last resort a district court has the power to order local officials to raise taxes in order to comply with a court order, even though state law may prohibit such action, *Missouri v. Jenkins*, 110 S.Ct. 1651 (1990). *Jenkins* was a school desegregation case and at issue was a consent decree local officials had voluntarily entered into. However, its rationale could be applied in a corrections case. For instance, at least one federal court endorsed the notion that a federal court could order local officials to violate state law, if necessary, to correct constitutional problems. In *Stone v. City and County of San Francisco*, 968 F.2d 865 (9th Cir., 1992), the district court ordered the sheriff to release inmates who had served half of their sentence in order to comply with population caps even though applicable state laws did not permit such releases. Although the court of appeals reversed this order under the circumstances of the case, it did "not rule out the possibility that such action may be necessary in the future," 968 F.2d at 864. The court said that before an override order could be imposed in the case, the lower court should see if the threat of sanctions (i.e., fines for contempt of court) would result in compliance with the order.

Where a court finds cruel and unusual conditions in a jail, the court is empowered to issue an injunction that will require the offending conditions to be corrected by addressing their causes. Typically, a court finding a constitutional violation will order the defendants to develop and present a plan for its cure, leaving as much continuing power and control in the defendants' hands as is reasonably possible. As noted earlier, the Prison Litigation Reform Act delays the court's power to impose population controls and tries to assure that a relief order is the least intrusive remedy. Until PLRA has been applied by a number of courts and interpreted by courts of appeal, it is impossible to say what effect it will have on local jurisdictions trying to correct constitutional deficiencies in a jail.

An all-too-common problem in conditions cases is that defendants fail to comply with the court's initial order, which often simply incorporate the defendants' own plans for correcting problems. When this occurs, the court will begin to flex its relief powers. The court enters a more demanding order. The sequence of non-compliance followed by more intrusive, demanding orders can continue until the court is satisfied that defendants are complying with the mandates it issued. This sequence of events remains possible under PLRA.

A court generally will not accept lack of funds as an excuse for not complying with previously entered orders.

Chapter XI. The Fourteenth Amendment

"... nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," U.S. Constitution, Amendment XIV.

- **Due Process**

The Fourteenth Amendment is the basis of several, quite different, obligations for jail administrators.

Substantive Due Process: Conditions of Confinement, Use of Force, and Pretrial Detainees. As discussed previously, the adequacy of conditions of confinement of pretrial detainees is judged through the Due Process Clause of the Fourteenth Amendment. Technically, the Eighth Amendment (cruel and unusual punishment) protects only sentenced offenders, so a court may not judge conditions for pretrial detainees under the Eighth Amendment. Instead, the Fourteenth Amendment is used, under the theory that the concept of Due Process prohibits the "punishment" of inmates and that in some circumstances bad conditions can amount to punishment. Fourteenth Amendment *substantive* due process (as the concept is called in this context) and Eighth Amendment cruel and unusual punishment are two legal routes to virtually the same destination.

Prior to *Bell v Wolfish*, some courts said the "presumption of innocence" required more for detainees than the Eighth Amendment demanded for convicted persons. But this distinction was laid to rest in *Bell*.

Due process then may be used to evaluate major conditions cases, but due process also plays a very important role in the day-to-day operation of a jail. Excess force claims brought by pretrial detainees are also evaluated under the Fourteenth Amendment. Again, the difference between review of excess force under the Fourteenth Amendment and the Eighth Amendment is not significant.

Procedural Due Process: Inmate Discipline. Most due process claims are concerned with the process used in making certain decisions. Inmate discipline is the most obvious area affected by procedural due process. Since the Supreme Court's 1974 decision in *Wolff v. McDonnell*, 418 U.S. 539 (1974), inmates facing major disciplinary charges are entitled to a hearing with certain other minimal procedural protections as part of the disciplinary process. In a 1995 decision, the Court indicated that the procedural protections required by *Wolf* may apply only if the disciplinary hearing puts the inmate's release date at risk, but do not apply if the maximum sanction the inmate can receive is a term in segregation, *Sandin v. Conner*, 115 S.Ct. 2293 (1995).

Included in the rights that *Wolf* requires are a hearing, a limited right to call witnesses, assistance in certain situations (but no right to legal counsel), an impartial hearing officer or committee, and a written decision that indicates the evidence relied on and the reason for the sanction chosen. The Supreme Court said inmates have no right to confront or cross-examine witnesses against them in disciplinary hearings. This allows for hearing decisions based on information from informants whose identity (and sometimes whose testimony) is not given to the

charged inmate. Courts have imposed various procedural protections around the use of informant information, intended to assure that the information is reliable.

Staff conducting the hearings must understand what the procedural rules are and how to apply them in a hearing. For instance, what circumstances justify denying an inmate's request that a certain witness be called to testify at a hearing and what sort of a record must be made of that and other decisions in the disciplinary hearing process that are of constitutional dimension. Prior to *Sandin*, the assumption was that if a disciplinary infraction carried the possible sanction of either loss of good time or time in segregation, the full *Wolff* procedures were required. *Scnadin* held that the *Wolff* procedures were not required when the maximum penalty the inmate could receive was only 30 days in segregation. Since *Sandin*, most courts have said that segregation sanctions considerably longer than 30 days are not governed by *Wolff*, although some courts have said that if the disciplinary segregation lasts long enough, (perhaps more than a year), it is so serious that *Wolff* procedures still apply.

Sandin then does not impose any new requirements on jails, but gives jails the opportunity to limit their exposure to lawsuits and liability from civil rights suits dealing with inmate disciplinary hearings, although some restructuring of inmate disciplinary rules may be necessary to take advantage of this opportunity. As long as an infraction carries with it the possible loss of good time, *Wolff* will continue to apply.

While *Sandin* may offer jails an opportunity to reduce their liability exposure regarding inmate discipline and to revise their disciplinary rules, there is a yet undecided question as to whether the *Sandin* decision applies to pretrial detainees. One federal appeals court has held specifically that it does not, but that *Wolff* still governs disciplinary proceedings for this group of inmates, *Mitchell v. Dupnik*, 75 F.3d 517 (9th Cir., 1996). Another suggested in dicta that *Sandin* did not apply to pretrial detainees, *Whitford v. Boglino*, 63 F.3d 527 (7th Cir., 1995).

State-Created Liberty Interests. In some situations, an agency can create "liberty interests" protected by due process. Prior to the *Sandin* decision, the test for deciding if a liberty interest had been created focused on the language of the agency's rules. The more the rules imposed mandatory limits on the discretion of *officials* in making a particular type of decision, the more likely a court would find the rules created a liberty interest and that the inmate had some limited due process rights in regard to the decision. For example, rules that said an inmate would only be put in administrative segregation under certain specified circumstances were held to trigger limited due process protections, *Hewitt v. Helms*, 459 U.S. 460 (1983).

In its *Sandin* decision in mid-1995, the Supreme Court abandoned its language-oriented "state-created liberty interest" test and replaced it with a test that focuses on the nature of the deprivation. Under the revised state-created liberty interest test, if an institutional decision imposes an "atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life," a liberty interest and limited due process protections are created. As this is written (nearly a year after the *Sandin* decision), it is still too early to tell what sorts of deprivations will meet this test.

The new test is welcome in one respect as it will end the federal courts scrutinizing the "shalls," "musts," and "mays" of institution rules to determine if liberty interests had been created. However, the new rule will result in a period of uncertainty because the Supreme Court gave little guidance as to what an "atypical and significant hardship" might be.

Involuntary Medication. More and more mentally ill persons are entering America's jails. These increasing numbers present various management and legal problems for jail administrators. Deliberate indifference to serious mental health needs violates the Eighth Amendment, so the jail has constitutionally mandated treatment obligations. Many mentally ill individuals are reluctant to accept treatment, so the jail may face a dilemma. Treatment may be necessary and appropriate both in the inmate's interest and in the interest of operating the jail in a safe and humane way. However, it is the inmate's constitutional right to refuse treatment.

Compounding the treatment/refusal dilemma is a problem faced by many jails in accessing the traditional mental health treatment system. Many traditional sources of mental health treatment (including involuntary civil commitment) refuse, or are very reluctant, to accept referrals from the jail. This lack of coordination between the criminal justice and mental health systems puts pressure on jails to create their own internal mental health treatment system.

A key to such a system may be the ability to override an inmate's refusal to accept treatment. In 1990, the Supreme Court held that the Constitution permits a correctional institution to make a decision to treat an inmate without a court order. The Court indicated that due process requires an internal administrative hearing process to assure that proper grounds for involuntarily medicating an inmate exist, *Washington v. Harper*, 110 S.Ct. 1028 (1990). A 1992 Supreme Court decision indicates that the *Harper* case probably extends to and includes pretrial detainees, *Riggins v. Nevada*, 112 S.Ct. 1810 (1992). State law, however, may preclude the jail from implementing an involuntary medication program.

Access to the Courts. In a society and government such as ours, which recognizes various individual rights, the individual must have access to the agency or arm of government charged with enforcing those rights. It is one thing to say someone has the right to free speech or to practice a religion, but if the government can prevent someone from exercising those rights and the individual cannot obtain redress for that violation, then the right becomes an illusion. The body in our society charged with enforcing rights is the courts.

The Supreme Court over the years has recognized that while the Constitution does not speak specifically of a "right of access to the courts," that right must be an inherent part of the Constitution if that document is to guarantee any rights at all. For most persons, exercising the right of access to the courts is not difficult and the government does not impose insurmountable barriers between the individual and the court system. But when the person is in prison or jail, there is literally a physical barrier between the inmate and the courts.'

Over the years the Supreme Court decided several access to the courts cases involving inmates. The most important came in 1977, when the Court said that prison administrators have the affirmative duty to provide inmates with assistance or resources to allow them to meaningfully exercise their right of access to the courts, *Bounds v. Smith*, 430 U.S. 817 (1977). Assistance could take the form of persons trained in the law (such as lawyers, paralegals, or law students), adequate law libraries, or some combination of these. A 1996 Supreme Court decision dealing with access to the courts reaffirmed the core principle in *Bounds*, i.e., that the institution has an affirmative duty to provide some form of assistance (libraries or persons trained in the law) sufficient to give inmates the capability of filing nonfrivolous lawsuits challenging their sentence or the conditions of their confinement, *Lewis v. Casey*, 64 USLW 4587 (June 24, 1996).

The principle from *Bounds* (and now *Lewis*) has been extended to jails, although application of the principle may be slightly different in the jail context depending in part on how long inmates remain in the jail. The longer an inmate remains in a jail, the more the right of "access to the courts" places the same demands on the jail as it does on the prison.

Most jails have opted to provide some form of a law library rather than assistance from persons trained in the law. However, an "adequate" law library is quite extensive, expensive, and expansive. One or two shelves of state laws, court rules, and a few-out-of-date legal texts donated by local attorneys is woefully insufficient, yet this describes the law library in many jails.

Many jails try to follow some sort of book paging/delivery system, relying on the county law library. In these systems, the inmate must request, or page, a particular item from the law library. If the item is available, it, or a copy, is delivered to the inmate. These book paging and delivery systems have almost always been found to be unconstitutional, (see *Abdul Akbar v. Watson*, 775 F. Supp. 735 [D.Del., 1991] and cases cited therein). The Supreme Court in the *Lewis* case said that an inmate complaining about inadequate access to the courts must show he/she has in fact been harmed in some way because of the lack of resources in an institution. This requirement may make it more difficult for inmates to successfully complain about paging and delivery systems.

Finding space for a complete law library in an existing jail can be difficult, given the amount of shelf space required for the hundreds, if not thousands, of books required. By the mid-1990s, many of the largest sets of law library materials were available on CD-ROM. In this form, the materials are somewhat less expensive to buy and collapse an entire wall of books into less than two feet of shelf space. Design of a new jail should address the access to the courts and law library issue.

Beyond the problems of providing an adequate law library, the Supreme Court's opinion in the *Lewis* case recognized that a law library alone would not necessarily be adequate for inmates incapable of using it. Prior to *Lewis*, at least one court said that a prison system must at a minimum provide inmates trained in the use of legal materials to assist other inmates, *Knop v. Johnson*, 977 F.2d 996 (6th Cir., 1992). Whether this is required after *Lewis* is uncertain. However, *Lewis* makes it clear that, in at least some circumstances, something more than a library will be necessary to assist inmates unable to use the library.

Inmates have not been shy about filing lawsuits since the courts abandoned the hands-off doctrine. Inmates in state and local correctional facilities filed nearly 38,000 civil rights cases in 1994, almost 14,000 more than they filed in 1990 and a nearly five-fold increase from 1977. Well over 90% of these cases resulted in a judgment for the defendants without even a trial.

The Prison Litigation Reform Act contains provisions that may stem the rising tide of inmate lawsuits. Traditionally, courts have waived filing fees for indigent prisoners. PLRA allows courts to defer payment of these fees (\$120), but sets a requirement that the fees be paid over time from moneys the inmate may accumulate while in custody. This cost burden may make some inmates think twice before filing a lawsuit.

If the newly imposed filing fee requirements deter inmates generally from filing lawsuits, another section of the PLRA attempts to cut off the "frequent filer," the inmate who continuously files suits. If the inmate has had three previous cases dismissed as frivolous, malicious, or failing to state a claim, the inmate is barred from filing additional suits unless he/she can show imminent danger of serious physical harm. One of the first courts to consider this section of the PLRA found it unconstitutional, *Lyon v. VandeKrol*, 940 F. Supp. 1433 (S.D. Iowa, 1996).

- ***Equal Protection***

The Equal Protection Clause of the Fourteenth Amendment demands that groups or individuals similar to one another be treated equally by the government, unless the government can demonstrate sufficient reason for discriminating against one group over another. Historically, the most common equal protection issue has been racial segregation. While racial segregation remains a concern, it is no longer the major equal protection issue confronting correctional institutions. Instead, the major issue deals with discrimination against female inmates. This discrimination is usually not intentional. It shows itself in the often major differences in the quality and quantity of programs, services, and facilities available to male inmates vs. those available to women. The cases that deal with this area are known as "parity" cases.

Parity. Parity is an issue with major implications for facility design. In general, parity cases have questioned, and often condemned, the differences in the quality and quantity of programs and facilities that commonly exist between men's and women's institutions. The name "parity" comes from the relief sought, which is not that programs or facilities must be identical, but that they be at a level of parity between men and women. Most courts that have addressed the question have agreed that treating men and women differently must be justified as "serving important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives," *McCoy v. Nevada Department of Prisons*, 776 F. Supp. 521 (D. Nev., 1991). The judge in this case noted differences in such areas as educational and vocational programs and in many privileges. For instance, women could not kiss visitors, men could; women could not get candy from visitors, men could; phone access was different; men had better recreation. The court said the defendants had the obligation of justifying those differences.

In the early parity cases, the government typically failed to justify the differences between men's and women's programming, leading to a finding of an equal protection violation and a long period of court oversight, *Glover v Johnson*, 478 F. Supp. 1075 (E.D.Mich., 1979). More recently, courts have said male and female inmates are not "similarly situated," e.g., alike, for purposes of comparison under the Equal Protection Clause and even if they are, it is not proper to as exacting a comparison as was typical in the earlier cases such as *Glover* and *McCoy*. *Klinger v. Department of Corrections* 31 F.3d 727 (8th Cir., 1994), *Women Prisoners of the District of Columbia Department of Corrections v. District of Columbia*, 93 F.3d 910 (D.C. Cir., 1996). The result of these recent cases is that a legal theory that had the capacity to be the basis for challenging conditions and facilities provided for female inmates in many jurisdictions may be almost entirely blunted.

Despite the changing trends in case law in this area, the goal of equal programming and facilities for male and female inmates should remain a strong concern in facility planning and design as well as in the evaluation of existing jail programming.

APPENDIX G
Washington State Jails - Selected RCWs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

WASHINGTON STATE JAILS -- SELECTED STATUTES
OCTOBER, 2003

RCW 9.94A.734

Home detention -- Conditions. (*Effective July 1, 2004.*)

- (1) Home detention may not be imposed for offenders convicted of:
- (a) A violent offense;
 - (b) Any sex offense;
 - (c) Any drug offense;
 - (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
 - (e) Assault in the third degree as defined in RCW 9A.36.031;
 - (f) Assault of a child in the third degree;
 - (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
 - (h) Harassment as defined in RCW 9A.46.020.
- Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.4013 or forged prescription for a controlled substance under RCW 69.50.403 if the offender fulfills the participation conditions set forth in this section and is monitored for drug use by a treatment alternatives to street crime program or a comparable court or agency-referred program.
- (2) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:
- (a) Successfully completing twenty-one days in a work release program;
 - (b) Having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary;
 - (c) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
 - (d) Having no prior charges of escape; and
 - (e) Fulfilling the other conditions of the home detention program.
- (3) Participation in a home detention program shall be conditioned upon:
- (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender;
 - (b) Abiding by the rules of the home detention program; and

(c) Compliance with court-ordered legal financial obligations. The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

[2003 c 53 § 62; 2000 c 28 § 30; 1995 c 108 § 2. Formerly RCW 9.94A.185.]

RCW 9.92.130

City jail prisoners may be compelled to work.

When a person has been sentenced by any municipal or district judge in this state to a term of imprisonment in a city jail, whether in default of payment of a fine or otherwise, such person may be compelled on each day of such term, except Sundays, to perform eight hours' labor upon the streets, public buildings, and grounds of such city.

[1987 c 202 § 144; Code 1881 § 2075; RRS § 10189.]

NOTES:

Intent -- 1987 c 202: See note following RCW 2.04.190.

RCW 9.92.140

County jail prisoners may be compelled to work.

When a person has been sentenced by a district judge or a judge of the superior court to a term of imprisonment in the county jail, whether in default of payment of a fine, or costs or otherwise; such person may be compelled to work eight hours, each day of such term, in and about the county buildings, public roads, streets and grounds: PROVIDED, This section and RCW 9.92.130 shall not apply to persons committed in default of bail.

[1987 c 202 § 145; Code 1881 § 2076; 1867 p 56 § 24; 1858 p 10 § 1; RRS § 10190.]

NOTES:

Intent -- 1987 c 202: See note following RCW 2.04.190.

Employment of prisoners: RCW 36.28.100. Working out fine: Chapter 10.82 RCW.

RCW 10.88.310
Confinement of prisoner.

The officer or persons executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping: **PROVIDED, HOWEVER,** That such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

[1971 ex.s. c 46 § 12.]

RCW 10.98.130
Local jail reports.

Local jails shall report to the office of financial management and that office shall transmit to the department the information on all persons convicted of felonies or incarcerated for noncompliance with a felony sentence who are admitted or released from the jails and shall promptly respond to requests of the department for such data. Information transmitted shall include but not be limited to the state identification number, whether the reason for admission to jail was a felony conviction or noncompliance with a felony sentence, and the dates of the admission and release.

The office of financial management may contract with a state or local governmental agency, or combination thereof, or a private organization for the information collection and transmittal under this section.

[1988 c 152 § 1; 1987 c 462 § 3; 1984 c 17 § 13.]

NOTES:

Effective dates -- 1987 c 462: See note following RCW 13.04.116.

RCW 13.04.116
Juvenile not to be confined in jail or holding facility for adults, exceptions -- Enforcement.

(1) A juvenile shall not be confined in a jail or holding facility for adults, except:

(a) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

(2) For purposes of this section a juvenile is an individual under the chronological age of eighteen

years who has not been transferred previously to adult courts.

(3) The department of social and health services shall monitor and enforce compliance with this section.

(4) This section shall not be construed to expand or limit the authority to lawfully detain juveniles.

[1987 c 462 § 1; 1985 c 50 § 1.]

NOTES:

Effective dates -- 1987 c 462: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Sections 15 and 21 of this act shall take effect immediately. Sections 1 through 11 and sections 16, 17, 22 and 23 of this act shall take effect January 1, 1988." [1987 c 462 § 24.]

Places of detention: Chapter 13.16 RCW. Transfer of juvenile to department of corrections facility: RCW 13.40.280.

RCW 36.28A.040

Statewide city and county jail booking and reporting system -- Standards committee.

(1) No later than July 1, 2002, the Washington association of sheriffs and police chiefs shall implement and operate an electronic statewide city and county jail booking and reporting system. The system shall serve as a central repository and instant information source for offender information and jail statistical data. The system shall be placed on the Washington state justice information network and be capable of communicating electronically with every Washington state city and county jail and with all other Washington state criminal justice agencies as defined in RCW 10.97.030.

(2) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, if a city or county jail or law enforcement agency receives state or federal funding to cover the entire cost of implementing or reconfiguring an electronic jail booking system, the city or county jail or law enforcement agency shall implement or reconfigure an electronic jail booking system that is in compliance with the jail booking system standards developed pursuant to subsection (4) of this section.

(3) After the Washington association of sheriffs and police chiefs has implemented an electronic jail booking system as described in subsection (1) of this section, city or county jails, or law enforcement agencies that operate electronic jail booking systems, but choose not to accept state or federal money to implement or reconfigure electronic jail booking systems, shall electronically forward jail booking information to the Washington association of sheriffs and police chiefs. At a minimum the information forwarded shall include the name of the offender, vital statistics, the date the offender was arrested, the offenses arrested for, the date and time an offender is released or transferred from a city or county jail, and if available, the mug shot. The electronic format in which the information is sent shall be at the discretion of the city or county jail, or law enforcement agency forwarding the information. City and county jails or law enforcement agencies that forward jail booking information under this subsection are not required to comply with the standards developed under subsection (4)(b) of this section.

(4) The Washington association of sheriffs and police chiefs shall appoint, convene, and manage a statewide jail booking and reporting system standards committee. The committee shall include representatives from the Washington association of sheriffs and police chiefs correction committee, the information service board's justice information committee, the judicial information system, at least two individuals who serve as jailers in a city or county jail, and other individuals that the Washington association of sheriffs and police chiefs places on the committee. The committee shall have the authority to:

(a) Develop and amend as needed standards for the statewide jail booking and reporting system and for the information that must be contained within the system. At a minimum, the system shall contain:

(i) The offenses the individual has been charged with;

(ii) Descriptive and personal information about each offender booked into a city or county jail. At a minimum, this information shall contain the offender's name, vital statistics, address, and mugshot;

(iii) Information about the offender while in jail, which could be used to protect criminal justice officials that have future contact with the offender, such as medical conditions, acts of violence, and other behavior problems;

(iv) Statistical data indicating the current capacity of each jail and the quantity and category of offenses charged;

(v) The ability to communicate directly and immediately with the city and county jails and other criminal justice entities; and

(vi) The date and time that an offender was released or transferred from a local jail;

(b) Develop and amend as needed operational standards for city and county jail booking systems, which at a minimum shall include the type of information collected and transmitted, and the technical requirements needed for the city and county jail booking system to communicate with the statewide jail booking and reporting system;

(c) Develop and amend as needed standards for allocating grants to city and county jails or law enforcement agencies that will be implementing or reconfiguring electronic jail booking systems.

(5) By January 1, 2001, the standards committee shall complete the initial standards described in subsection (4) of this section, and the standards shall be placed into a report and provided to all Washington state city and county jails, all other criminal justice agencies as defined in RCW 10.97.030, the chair of the Washington state senate human services and corrections committee, and the chair of the Washington state house of representatives criminal justice and corrections committee.

[2001 c 169 § 3; 2000 c 3 § 1.]

NOTES:

Contingent expiration date -- 2000 c 3: "If the Washington association of sheriffs and police chiefs does not receive federal funding for purposes of this act by December 31, 2000, this act is null and void." [2000 c 3 § 4.] According to the Washington association of sheriffs and police chiefs, federal funding for the purposes of chapter 3, Laws of 2000, was received by December 31, 2000.

RCW 36.28A.050

Statewide city and county jail booking and reporting system -- Grant fund.

(1) The Washington association of sheriffs and police chiefs shall establish and manage a local jail booking system grant fund. All federal or state money collected to offset the costs associated with RCW

36.28A.040(2) shall be processed through the grant fund established by this section. The statewide jail booking and reporting system standards committee established under RCW 36.28A.040(4) shall distribute the grants in accordance with any standards it develops.

(2) The Washington association of sheriffs and police chiefs shall pursue federal funding to be placed into the local jail booking system grant fund.

[2000 c 3 § 2.]

NOTES:

Contingent expiration date -- 2000 c 3: See note following RCW 36.28A.040.

Jail Industries Program

RCW 36.110.010

Finding -- Purpose, intent.

Cities and counties have a significant interest in ensuring that inmates in their jails are productive citizens after their release in the community. The legislature finds that there is an expressed need for cities and counties to uniformly develop and coordinate jail industries technical information and program and public safety standards statewide. It further finds that meaningful jail work industries programs that are linked to formal education and adult literacy training can significantly reduce recidivism, the rising costs of corrections, and criminal activities. It is the purpose and intent of the legislature, through this chapter, to establish a statewide jail industries program designed to promote inmate rehabilitation through meaningful work experience and reduce the costs of incarceration. The legislature recognizes that inmates should have the responsibility for contributing to the cost of their crime through the wages earned while working in jail industries programs and that such income shall be used to offset the costs of implementing and maintaining local jail industries programs and the costs of incarceration.

[1993 c 285 § 1.]

RCW 36.110.020

Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the statewide jail industries board of directors.

(2) "City" means any city, town, or code city.

(3) "Cost accounting center" means a specific industry program operated under the private sector prison industry enhancement certification program as specified in 18 U.S.C. Sec. 1761.

(4) "Court-ordered legal financial obligation" means a sum of money that is ordered by a superior, district, or municipal court of the state of Washington for payment of restitution to a victim, a statutorily imposed crime victims compensation fee, court costs, a county or interlocal drug fund, court appointed attorneys' fees and costs of defense, fines, and other legal financial obligations that are assessed as a result of a felony or misdemeanor conviction.

(5) "Free venture employer model industries" means an agreement between a city or county and a private sector business or industry or nonprofit organization to produce goods or services to both public and private sectors utilizing jail inmates whose compensation and supervision are provided by the private sector business or entity.

"Free venture customer model industries" means an agreement between a city or county and a private sector business or industry, or nonprofit organization to provide Washington state manufacturers or businesses with products or services currently produced, provided, or assembled by out-of-state or foreign suppliers utilizing jail inmates whose compensation and supervision are provided by the incarcerating facility or local jurisdiction.

(6) "Jail inmate" means a preconviction or postconviction resident of a city or county jail who is determined to be eligible to participate in jail inmate work programs according to the eligibility criteria of the work program.

(7) "Private sector prison industry enhancement certification program" means that program authorized by the United States justice assistance act of 1984, 18 U.S.C. Sec. 1761.

(8) "Tax reduction industries" means those industries as designated by a city or county owning and operating such an industry to provide work training and employment opportunities for jail inmates, in total confinement, which reduce public support costs. The goods and services of these industries may be sold to public agencies, nonprofit organizations, and private contractors when the goods purchased will be ultimately used by a public agency or nonprofit organization. Surplus goods from these operations may be donated to government and nonprofit organizations.

[1995 c 154 § 1; 1993 c 285 § 2.]

RCW 36.110.030

Board of directors established -- Membership.

A statewide jail industries board of directors is established. The board shall consist of the following members:

(1) One sheriff and one police chief, to be selected by the Washington association of sheriffs and police chiefs;

(2) One county commissioner or one county councilmember to be selected by the Washington state association of counties;

(3) One city official to be selected by the association of Washington cities;

(4) Two jail administrators to be selected by the Washington state jail association, one of whom shall be from a county or a city with an established jail industries program;

(5) One prosecuting attorney to be selected by the Washington association of prosecuting attorneys;

(6) One administrator from a city or county corrections department to be selected by the Washington correctional association;

(7) One county clerk to be selected by the Washington association of county clerks;

(8) Three representatives from labor to be selected by the governor. The representatives may be chosen from a list of nominations provided by statewide labor organizations representing a cross-section of trade organizations;

(9) Three representatives from business to be selected by the governor. The representatives may be chosen from a list of nominations provided by statewide business organizations representing a cross-section of businesses, industries, and all sizes of employers;

(10) The governor's representative from the employment security department;

(11) One member representing crime victims, to be selected by the governor;

(12) One member representing on-line law enforcement officers, to be selected by the governor;

(13) One member from the department of community, trade, and economic development to be selected by the governor;

(14) One member representing higher education, vocational education, or adult basic education to be selected by the governor; and

(15) The governor's representative from the correctional industries division of the state department of corrections shall be an ex officio member for the purpose of coordination and cooperation between prison and jail industries and to further a positive relationship between state and local government offender programs.

[1995 c 399 § 45; 1993 c 285 § 3.]

(there is no .040. BC)

RCW 36.110.050

Local advisory groups.

The board shall require a city or a county that establishes a jail industries program to develop a local advisory group, or to use an existing advisory group of the appropriate composition, to advise and guide jail industries program operations. Such an advisory group shall include an equal number of representatives from labor and business. Representation from a sheltered workshop, as defined in RCW 82.04.385, and a crime victim advocacy group, if existing in the local area, should also be included.

A local advisory group shall have among its tasks the responsibility of ensuring that a jail industry has minimal negative impact on existing private industries or the labor force in the locale where the

industry operates and that a jail industry does not negatively affect employment opportunities for people with developmental disabilities contracted through the operation of sheltered workshops as defined in RCW 82.04.385. In the event a conflict arises between the local business community or labor organizations concerning new jail industries programs, products, services, or wages, the city or county must use the arbitration process established pursuant to RCW 36.110.060.

[1993 c 285 § 5.]

RCW 36.110.060

Board of directors -- Duties.

The board, in accordance with chapter 34.05 RCW, shall:

(1) Establish an arbitration process for resolving conflicts arising among the local business community and labor organizations concerning new industries programs, products, services, or wages;

(2) Encourage the development of the collection and analysis of jail industries program data, including long-term tracking information on offender recidivism;

(3) Determine, by applying established federal guidelines and criteria, whether a city or a county jail free venture industries program complies with the private sector prison industry enhancement certification program. In so doing, also determine if that industry should be designated as a cost accounting center for the purposes of the federal certification program; and

(4) Provide technical assistance with product marketing.

[1993 c 285 § 6.]

RCW 36.110.070

Board of directors may receive funds, establish fee schedule.

The board may receive funds from local, county, state, or federal sources and may receive grants to support its activities. The board may establish a reasonable schedule of suggested fees that will support statewide efforts to promote and facilitate jail industries that would be presented to cities and

counties that have established jail industries programs.

[1993 c 285 § 7.]

RCW 36.110.080

Board of directors -- Meetings -- Terms -- Compensation.

The board shall initially convene at the call of the representative of the correctional industries division of the state department of corrections, together with the jail administrator selected from a city or a county with an established jail industries program, no later than six months after July 25, 1993. Subsequent meetings of the board shall be at the call of the board chairperson. The board shall meet at least twice a year.

The board shall elect a chairperson and other such officers as it deems appropriate. However, the chairperson may not be the representative of the correctional industries division of the state department of corrections nor any representative from a state executive branch agency.

Members of the board shall serve terms of three years each on a staggered schedule to be established by the first board. For purposes of initiating a staggered schedule of terms, some members of the first board may initially serve two years and some members may initially serve four years.

The members of the board shall serve without compensation but may be reimbursed for travel expenses from funds acquired under this chapter.

[1993 c 285 § 8.]

RCW 36.110.085

Board of directors -- Immunity.

Any member serving in their official capacity on the Washington state jail industries board, in either an appointed or advisory capacity, or either their employer or employers, or other entity that selected the members to serve, are immune from a civil action based upon an act performed in good faith.

[1995 c 154 § 5.]

RCW 36.110.090

City or county special revenue funds.

A city or a county that implements a jail industries program may establish a separate fund for the operation of the program. This fund shall be a special revenue fund with continuing authority to receive income and pay expenses associated with the jail industries program.

[1993 c 285 § 9.]

RCW 36.110.100

Comprehensive work programs.

Cities and counties participating in jail industries are authorized to provide for comprehensive work programs using jail inmate workers at worksites within jail facilities or at such places within the city or county as may be directed by the legislative authority of the city or county, as similarly provided under RCW 36.28.100.

[1993 c 285 § 10.]

RCW 36.110.110

Deductions from offenders' earnings.

When an offender is employed in a jail industries program for which pay is allowed, deductions may be made from these earnings for court-ordered legal financial obligations as directed by the court in reasonable amounts that do not unduly discourage the incentive to work. These deductions shall be disbursed as directed in *RCW 9.94A.760.

In addition, inmates working in jail industries programs shall contribute toward costs to develop, implement, and operate jail industries programs. This amount shall be a reasonable amount that does not unduly discourage the incentive to work. The amount so deducted shall be deposited in the jail industries special revenue fund.

Upon request of the offender, family support may also be deducted and disbursed to a designated family member.

[1993 c 285 § 11.]

NOTES:

*Reviser's note: This RCW reference has been corrected to reflect the reorganization of chapter 9.94A RCW by 2001 c 10 § 6.

RCW 36.110.120

Free venture industries, tax reduction industries -- Employment status of inmates -- Insurance coverage.

(1) A jail inmate who works in a free venture industry or a tax reduction industry shall be considered an employee of that industry only for the purpose of the Washington industrial safety and health act, chapter 49.17 RCW, as long as the public safety is not compromised, and for eligibility for industrial insurance benefits under Title 51 RCW, as provided in this section.

(2) For jail inmates participating in free venture employer model industries, the private sector business or industry or the nonprofit organization that is party to the agreement, shall provide industrial insurance coverage under Title 51 RCW. Local jurisdictions shall not be responsible for obligations under Title 51 RCW in a free venture employer model industry except as provided in RCW 36.110.130.

(3) For jail inmates participating in free venture customer model industries, the incarcerating entity or jurisdiction, the private sector business or industry, or the nonprofit organization that is party to the agreement, shall provide industrial insurance coverage under Title 51 RCW dependent upon how the parties to the agreement choose to finalize the agreement.

(4) For jail inmates incarcerated and participating in tax reduction industries:

(a) Local jurisdictions that are self-insured may elect to provide medical aid benefits coverage only under chapter 51.36 RCW through the state fund.

(b) Local jurisdictions, to include self-insured jurisdictions, may elect to provide industrial insurance coverage under Title 51 RCW through the state fund.

(5) If industrial insurance coverage under Title 51 RCW is provided for inmates under this section, eligibility for benefits for either the inmate or the inmate's dependents or beneficiaries for temporary total disability or permanent total disability under RCW 51.32.090 or 51.32.060, respectively, shall not

take effect until the inmate is discharged from custody by order of a court of appropriate jurisdiction. Nothing in this section shall be construed to confer eligibility for any industrial insurance benefits to any jail inmate who is not employed in a free venture industry or a tax reduction industry.

[1995 c 154 § 2; 1993 c 285 § 12.]

RCW 36.110.130

Free venture industry agreements -- Effect of failure.

In the event of a failure such as a bankruptcy or dissolution, of a private sector business, industry, or nonprofit organization engaged in a free venture industry agreement, responsibility for obligations under Title 51 RCW shall be borne by the city or county responsible for establishment of the free venture industry agreement, as if the city or county had been the employing agency. To ensure that this obligation can be clearly identified and accomplished, and to provide accountability for purposes of the department of labor and industries, a free venture jail industry agreement entered into by a city or county and private sector business, industry, or nonprofit organization should be filed under a separate master business application, establishing a new and separate account with the department of labor and industries, and not be reported under an existing account for parties to the agreement.

[1995 c 154 § 3; 1993 c 285 § 13.]

RCW 36.110.140

Education and training.

To the extent possible, jail industries programs shall be augmented by education and training to improve worker literacy and employability skills. Such education and training may include, but is not limited to, basic adult education, work towards a certificate of educational competence following successful completion of the general educational development test, vocational and preemployment work maturity skills training, and apprenticeship classes.

[1993 c 285 § 14.]

RCW 36.110.150

Department of corrections to provide staff assistance.

Until sufficient funding is secured by the board to adequately provide staffing, basic staff assistance shall be provided, to the extent possible, by the department of corrections.

[1993 c 285 § 15.]

RCW 36.110.160

Technical training assistance.

Technical training assistance shall be provided to local jurisdictions by the board at the jurisdiction's request. To facilitate and promote the development of local jail industries programs, this training and technical assistance may include the following: (1) Delivery of statewide jail industry implementation workshops for administrators of jail industries programs; (2) development of recruitment and education programs for local business and labor to gain their participation; (3) ongoing staff assistance regarding local jail industries issues, such as sound business management skills, development of a professional business plan, responding to questions regarding risk management, industrial insurance, and similar matters; and (4) provision of guidelines and assistance for the coordination of basic educational programs and jail industries as well as other technical skills required by local jails in the implementation of safe, productive, and effective jail industries programs.

[1995 c 154 § 4.]

RCW 36.110.900

Severability -- 1993 c 285.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1993 c 285 § 17.]

RCW 39.34.180

Criminal justice responsibilities -- Interlocal agreements -- Termination.

(1) Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions, and referred from their respective law enforcement agencies, whether filed under state law or city ordinance, and must carry out these responsibilities through the use of their own courts, staff, and facilities, or by entering into contracts or interlocal agreements under this chapter to provide these services. Nothing in this section is intended to alter the statutory responsibilities of each county for the prosecution, adjudication, sentencing, and incarceration for not more than one year of felony offenders, nor shall this section apply to any offense initially filed by the prosecuting attorney as a felony offense or an attempt to commit a felony offense.

(2) The following principles must be followed in negotiating interlocal agreements or contracts: Cities and counties must consider (a) anticipated costs of services; and (b) anticipated and potential revenues to fund the services, including fines and fees, criminal justice funding, and state-authorized sales tax funding levied for criminal justice purposes.

(3) If an agreement as to the levels of compensation within an interlocal agreement or contract for gross misdemeanor and misdemeanor services cannot be reached between a city and county, then either party may invoke binding arbitration on the compensation issued by notice to the other party. In the case of establishing initial compensation, the notice shall request arbitration within thirty days. In the case of nonrenewal of an existing contract or interlocal agreement, the notice must be given one hundred twenty days prior to the expiration of the existing contract or agreement and the existing contract or agreement remains in effect until a new agreement is reached or until an arbitration award on the matter of fees is made. The city and county each select one arbitrator, and the initial two arbitrators pick a third arbitrator.

(4) A city or county that wishes to terminate an agreement for the provision of court services must provide written notice of the intent to terminate the agreement in accordance with RCW 3.50.810 and 35.20.010.

(5) For cities or towns that have not adopted, in whole or in part, criminal code or ordinance provisions related to misdemeanor and gross misdemeanor crimes as defined by state law, this section shall have no application until July 1, 1998.

[2001 c 68 § 4; 1996 c 308 § 1.]

NOTES:

Effective date -- 1996 c 308: "This act shall take effect January 1, 1997." [1996 c 308 § 2.]

Chapter 70.24 RCW
CONTROL AND TREATMENT OF SEXUALLY TRANSMITTED DISEASES
(Formerly Control and treatment of venereal diseases)

RCW SECTIONS

- | | | | |
|------------------|--|------------------|---|
| <u>70.24.005</u> | Transfer of duties to the department of health. | <u>70.24.110</u> | Minors -- Treatment, consent, liability for payment for care. |
| <u>70.24.015</u> | Legislative finding. | <u>70.24.120</u> | Sexually transmitted disease case investigators -- Authority to withdraw blood. |
| <u>70.24.017</u> | Definitions. | <u>70.24.125</u> | Reporting requirements for sexually transmitted diseases -- Rules. |
| <u>70.24.022</u> | Interviews, examination, counseling, or treatment of infected persons or persons believed to be infected -- Dissemination of false information -- Penalty. | <u>70.24.130</u> | Adoption of rules. |
| <u>70.24.024</u> | Orders for examinations and counseling -- Restrictive measures -- Investigation -- Issuance of order -- Confidential notice and hearing - Exception. | <u>70.24.140</u> | Certain infected persons -- Sexual intercourse unlawful without notification. |
| <u>70.24.034</u> | Detention -- Grounds -- Order -- Hearing. | <u>70.24.150</u> | Immunity of certain public employees. |
| <u>70.24.050</u> | Diagnosis of sexually transmitted diseases -- Confirmation -- Anonymous prevalence reports. | <u>70.24.200</u> | Information for the general public on sexually transmitted diseases -- Emphasis. |
| <u>70.24.070</u> | Detention and treatment facilities. | <u>70.24.210</u> | Information for children on sexually transmitted diseases -- Emphasis. |
| <u>70.24.080</u> | Penalty. | <u>70.24.220</u> | AIDS education in public schools - Finding. |
| <u>70.24.084</u> | Violations of chapter -- Aggrieved persons -- Right of action. | <u>70.24.240</u> | Clearinghouse for AIDS educational materials. |
| <u>70.24.090</u> | Pregnant women -- Test for syphilis. | <u>70.24.250</u> | Office on AIDS -- Repository and clearinghouse for AIDS education and training material -- University of Washington duties. |
| <u>70.24.095</u> | Pregnant women -- Drug treatment program participants -- AIDS counseling. | <u>70.24.260</u> | Emergency medical personnel -- Rules for AIDS education and training. |
| <u>70.24.100</u> | Syphilis laboratory tests. | <u>70.24.270</u> | Health professionals -- Rules for AIDS education and training. |
| <u>70.24.105</u> | Disclosure of HIV antibody test or testing or treatment of sexually transmitted diseases - Exchange of medical information. | <u>70.24.280</u> | Board of pharmacy -- Rules for AIDS education and training. |
| <u>70.24.107</u> | Rule-making authority -- 1997 c 345. | <u>70.24.290</u> | Public school employees -- Rules for AIDS education and training. |
| | | <u>70.24.300</u> | State and local government employees -- Determination of substantial likelihood of exposure -- Rules for AIDS education and training. |
| | | <u>70.24.310</u> | Health care facility employees -- Rules for AIDS education and training. |
| | | <u>70.24.320</u> | Counseling and testing -- AIDS and HIV -- Definitions. |
| | | <u>70.24.325</u> | Counseling and testing -- Insurance requirements. |
| | | <u>70.24.330</u> | HIV testing -- Consent, exceptions. |
| | | <u>70.24.340</u> | Convicted persons -- Mandatory testing and counseling for certain offenses -- Employees' substantial exposure to bodily fluids -- Procedure and court orders. |
| | | <u>70.24.350</u> | Prostitution and drug offenses -- Voluntary testing and counseling. |
| | | <u>70.24.360</u> | Jail detainees -- Testing and counseling of persons who present a possible risk. |
| | | <u>70.24.370</u> | Correction facility inmates -- Counseling and testing of persons who present a possible risk -- Training for administrators and superintendents -- Procedure. |
| | | <u>70.24.380</u> | Board of health -- Rules for counseling and testing. |
| | | <u>70.24.400</u> | Department to establish regional AIDS service networks -- Funding -- Lead counties -- |

Regional plans -- University of Washington, center for AIDS education.

70.24.410 AIDS advisory committee -- Duties, review of insurance problems -- Termination.

70.24.420 Additional local funding of treatment programs not required.

70.24.430 Application of chapter to persons subject to jurisdiction of department of corrections.

70.24.450 Confidentiality -- Reports -- Unauthorized disclosures.

70.24.900 Severability -- 1988 c 206.

NOTES:

Center for volunteerism and citizen service: RCW 43.150.050.

RCW 70.24.107

Rule-making authority -- 1997 c 345.

The department of health and the department of corrections shall each adopt rules to implement chapter 345, Laws of 1997. The department of health and the department of corrections shall cooperate with local jail administrators to obtain the information from local jail administrators that is necessary to comply with this section.

[1999 c 372 § 14; 1997 c 345 § 6.]

NOTES:

Findings -- Intent -- 1997 c 345: See note following RCW 70.24.105.

RCW 70.24.070

Detention and treatment facilities.

For the purpose of carrying out this chapter, the board shall have the power and authority to designate facilities for the detention and treatment of persons found to be infected with a sexually transmitted disease and to designate any such facility in any hospital or other public or private institution, other than a jail or correctional facility, having, or which may be provided with, such necessary detention, segregation, isolation, clinic and hospital facilities as may be required and prescribed by the board, and to enter into arrangements for the conduct of such facilities with the public officials or persons, associations, or corporations in charge of or maintaining and operating such institutions.

[1988 c 206 § 908; 1919 c 114 § 8; RRS § 6107.]

RCW 70.24.340

Convicted persons -- Mandatory testing and counseling for certain offenses -- Employees' substantial exposure to bodily fluids -- Procedure and court orders.

(1) Local health departments authorized under this chapter shall conduct or cause to be conducted pretest counseling, HIV testing, and posttest counseling of all persons:

(a) Convicted of a sexual offense under chapter 9A.44 RCW;

(b) Convicted of prostitution or offenses relating to prostitution under chapter 9A.88 RCW; or

(c) Convicted of drug offenses under chapter 69.50 RCW if the court determines at the time of conviction that the related drug offense is one associated with the use of hypodermic needles.

(2) Such testing shall be conducted as soon as possible after sentencing and shall be so ordered by the sentencing judge.

(3) This section applies only to offenses committed after March 23, 1988.

(4) A law enforcement officer, fire fighter, health care provider, health care facility staff person, department of corrections' staff person, jail staff person, or other categories of employment determined by the board in rule to be at risk of substantial exposure to HIV, who has experienced a substantial exposure to another person's bodily fluids in the course of his or her employment, may request a state or local public health officer to order pretest counseling, HIV testing, and posttest counseling for the person whose bodily fluids he or she has been exposed to. If the state or local public health officer refuses to order counseling and testing under this subsection, the person who made the request may petition the superior court for a hearing to determine whether an order shall be issued. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review to determine whether the public health officer shall be required to issue the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order.

The person who is subject to the state or local public health officer's order to receive counseling and testing shall be given written notice of the order promptly, personally, and confidentially, stating the grounds and provisions of the order, including the factual basis therefor. If the person who is subject to the order refuses to comply, the state or local public health officer may petition the superior court for a hearing. The hearing on the petition shall be held within seventy-two hours of filing the petition, exclusive of Saturdays, Sundays, and holidays. The standard of review for the order is whether substantial exposure occurred and whether that exposure presents a possible risk of transmission of the HIV virus as defined by the board by rule. Upon conclusion of the hearing, the court shall issue the appropriate order.

The state or local public health officer shall perform counseling and testing under this subsection if he or she finds that the exposure was substantial and presents a possible risk as defined by the board of health by rule or if he or she is ordered to do so by a court.

The counseling and testing required under this subsection shall be completed as soon as possible after the substantial exposure or after an order is issued by a court, but shall begin not later than seventy-two hours after the substantial exposure or an order is issued by the court.

[1997 c 345 § 3; 1988 c 206 § 703.]

NOTES:

Findings -- Intent -- 1997 c 345: See note following RCW 70.24.105.

RCW 70.24.360

Jail detainees -- Testing and counseling of persons who present a possible risk.

Jail administrators, with the approval of the local public health officer, may order pretest counseling, HIV testing, and posttest counseling for persons detained in the jail if the local public health officer determines that actual or threatened behavior presents a possible risk to the staff, general public, or other persons. Approval of the local public health officer shall be based on RCW 70.24.024(3) and may be contested through RCW 70.24.024(4). The administrator shall establish, pursuant to RCW 70.48.071, a procedure to document the possible risk which is the basis for the HIV testing. "Possible risk,"

as used in this section, shall be defined by the board in rule. Documentation of the behavior, or threat thereof, shall be reviewed with the person to try to assure that the person understands the basis for testing.

[1988 c 206 § 706.]

Chapter 70.48 RCW
CITY AND COUNTY JAILS ACT

RCW SECTIONS

- 70.48.020 Definitions.
- 70.48.060 Capital construction -- Financial assistance -- Rules -- Oversight -- Cost estimates.
- 70.48.071 Standards for operation -- Adoption by units of local government.
- 70.48.090 Interlocal contracts for jail services -- Responsibility for operation of jail -- Departments of corrections authorized.
- 70.48.095 Regional jails.
- 70.48.100 Jail register, open to the public -- Records confidential -- Exception.
- 70.48.130 Emergency or necessary medical and health care for confined persons -- Reimbursement procedures -- Conditions -- Limitations.
- 70.48.140 Confinement pursuant to authority of the United States.
- 70.48.160 Post-approval limitation on funding.
- 70.48.170 Short title.
- 70.48.180 Authority to locate and operate jail facilities -- Counties.
- 70.48.190 Authority to locate and operate jail facilities -- Cities and towns.
- 70.48.210 Farms, camps, work release programs, and special detention facilities.
- 70.48.220 Confinement may be wherever jail services are contracted -- Defendant contact with defense counsel.
- 70.48.230 Transportation and temporary confinement of prisoners.
- 70.48.240 Transfer of felons from jail to state institution -- Time limit.
- 70.48.270 Disposition of proceeds from sale of bonds.
- 70.48.280 Proceeds of bond sale -- Deposits -- Administration.
- 70.48.310 Jail renovation bond retirement fund -- Debt-limit general fund bond retirement account.
- 70.48.320 Bonds legal investments for public funds.

- 70.48.380 Special detention facilities -- Fees for cost of housing.
- 70.48.390 Fee payable by person being booked.
- 70.48.400 Sentences to be served in state institutions -- When -- Sentences that may be served in jail -- Financial responsibility of city or county.
- 70.48.410 Financial responsibility for convicted felons.
- 70.48.420 Financial responsibility for persons detained on parole hold.
- 70.48.430 Financial responsibility for work release inmates detained in jail.
- 70.48.440 Office of financial management to establish reimbursement rate for cities and counties -- Rate until June 30, 1985 -- Re-establishment of rates.
- 70.48.450 Local jail reporting form -- Information to be provided by city or county requesting payment for prisoners from state.
- 70.48.460 Contracts for incarceration services for prisoners not covered by RCW 70.48.400 through 70.48.450.
- 70.48.470 Sex, kidnapping offenders -- Notices to offenders, law enforcement officials.
- 70.48.480 Communicable disease prevention guidelines.

*70.48.010 Legislative declaration. [1977 ex.s. c 316 § 1.]
Repealed by 1987 c 462 § 23, effective January 1, 1988.*

**RCW 70.48.020
Definitions.**

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

- (1) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.
- (2) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(3) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(5) "Jail" means any holding, detention, special detention, or correctional facility as defined in this section.

(6) "Health care" means preventive, diagnostic, and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(7) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(8) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

(9) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

(10) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

(11) "Office" means the office of financial management.

[1987 c 462 § 6; 1986 c 118 § 1; 1983 c 165 § 34; 1981 c 136 § 25; 1979 ex.s. c 232 § 11; 1977 ex.s. c 316 § 2.]

NOTES:

Effective dates -- 1987 c 462: See note following RCW 13.04.116.

Legislative finding, intent -- Effective dates -- Severability -- 1983 c 165: See notes following RCW 46.20.308.

Effective date -- 1981 c 136: See RCW 72.09.900.

Severability -- 1977 ex.s. c 316: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 316 § 26.]

70.48.030 State jail commission--Created--Composition--Qualifications--Vacancies--Meetings--Termination. [1979 ex.s. c 232 § 12; 1977 ex.s. c 316 § 3.] Repealed by 1986 c 118 § 18.

70.48.035 Corrections standards board to replace commission. [1981 c 136 § 24.] Repealed by 1987 c 462 § 22, effective January 1, 1988.

70.48.040 Commission members--Travel expenses--Reimbursement. [1977 ex.s. c 316 § 4.] Repealed by 1986 c 118 § 18.

70.48.050 Board--Powers and duties. [1986 c 118 § 2; 1981 2nd ex.s. c 12 § 4; 1981 c 276 § 1; 1979 ex.s. c 232 § 13; 1977 ex.s. c 316 § 5.] Repealed by 1987 c 462 § 23, effective January 1, 1988.

70.48.060 Capital construction--Financial assistance--Rules--Oversight--Cost estimates. [1986 c 118 § 3; 1982 c 87 § 1; 1979 ex.s. c 232 § 9; 1979 c 151 § 170; 1977 ex.s. c 316 § 6.] Repealed by 1987 c 462 § 23, effective January 1, 1988.

NOTES:

Reviser's note: RCW 70.48.060 was amended by 1987 c 505 § 59 without reference to its repeal by 1987 c 462 § 23, effective January 1, 1988. It has been decodified for publication purposes under RCW 1.12.025.

70.48.061 Jail construction and remodeling funding program--Continuation--Expiration of section. [1987 c 462 § 16.] Expired July 1, 1990.

70.48.070 Jails--Compliance with chapter, rules, regulations, and standards directed--Variances. [1986 c 118 § 4; 1979 ex.s. c 232 § 14; 1979 c 147 § 2; 1977 ex.s. c 316 § 7.] Repealed by 1987 c 462 § 23, effective January 1, 1988.

RCW 70.48.071

Standards for operation -- Adoption by units of local government.

All units of local government that own or operate adult correctional facilities shall, individually or collectively, adopt standards for the operation of those facilities no later than January 1, 1988. Cities and towns shall adopt the standards after considering guidelines established collectively by the cities and towns of the state; counties shall adopt the standards after considering guidelines established collectively by the counties of the state. These standards shall be the minimums necessary to meet federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff, and specific state and federal statutory requirements, and to provide for the public's health, safety, and welfare. Local correctional facilities shall be operated in accordance with these standards.

[1987 c 462 § 17.]

NOTES:

Effective dates -- 1987 c 462: See note following RCW 13.04.116.

RCW 70.48.090

Interlocal contracts for jail services -- Responsibility for operation of jail -- Departments of corrections authorized.

(1) Contracts for jail services may be made between a county and a city, and among counties and cities. The contracts shall: Be in writing, give one governing unit the responsibility for the operation of the jails, specify the responsibilities of each governing unit involved, and include the applicable charges for custody of the prisoners as well as the basis for adjustments in the charges. The contracts may be terminated only by ninety days written notice to the governing units involved and to the office. The notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

(2) The contract authorized in subsection (1) of this section shall be for a minimum term of ten years when state funds are provided to construct or remodel a jail in one governing unit that will be used to house prisoners of other governing units. The contract may not be terminated prior to the end of the term without the office's approval. If the contract is terminated, or upon the expiration and nonrenewal of the contract, the governing unit whose jail facility was built or

remodeled to hold the prisoners of other governing units shall pay to the state treasurer the amount set by the *corrections standards board or office when it authorized disbursement of state funds for the remodeling or construction under **RCW 70.48.120. This amount shall be deposited in the local jail improvement and construction account and shall fairly represent the construction costs incurred in order to house prisoners from other governing units. The office may pay the funds to the governing units which had previously contracted for jail services under rules which the office may adopt. The acceptance of state funds for constructing or remodeling consolidated jail facilities constitutes agreement to the proportionate amounts set by the office. Notice of the proportionate amounts shall be given to all governing units involved.

(3) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein.

[2002 c 125 § 1; 1987 c 462 § 7; 1986 c 118 § 6; 1979 ex.s. c 232 § 15; 1977 ex.s. c 316 § 9.]

NOTES:

Reviser's note: *(1) The corrections standards board no longer exists. See 1987 c 462 § 21.

***(2) RCW 70.48.120 was repealed by 1991 sp.s. c 13 § 122, effective July 1, 1991.

Effective dates -- 1987 c 462: See note following RCW 13.04.116.

Severability -- 1977 ex.s. c 316: See note following RCW 70.48.020.

RCW 70.48.095

Regional jails.

(1) Regional jails may be created and operated between two or more local governments, or one or more local governments and the state, and may be governed by representatives from multiple jurisdictions.

(2) A jurisdiction that confines persons prior to conviction in a regional jail in another county is responsible for providing private telephone, video-

conferencing, or in-person contact between the defendant and his or her public defense counsel.

(3) The creation and operation of any regional jail must comply with the interlocal cooperation act described in chapter 39.34 RCW.

(4) Nothing in this section prevents counties and cities from contracting for jail services as described in RCW 70.48.090.

[2002 c 124 § 1.]

RCW 70.48.100

Jail register, open to the public -- Records confidential -- Exception.

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

(a) The name of each person confined in the jail with the hour, date and cause of the confinement; and

(b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

(a) For use in inspections made pursuant to *RCW 70.48.070;

(b) In jail certification proceedings;

(c) For use in court proceedings upon the written order of the court in which the proceedings are conducted; or

(d) Upon the written permission of the person.

(3)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in RCW

4.24.550, 9A.44.130, 9A.44.140, 10.01.200,
43.43.540, 43.43.745, 46.20.187, 70.48.470,
72.09.330, and **section 401, chapter 3, Laws of
1990.

[1990 c 3 § 130; 1977 ex.s. c 316 § 10.]

NOTES:

Reviser's note: *(1) RCW 70.48.070 was repealed
by 1987 c 462 § 23, effective January 1, 1988.

***(2) 1990 c 3 § 401 appears as a note following
RCW 9A.44.130.

**Index, part headings not law -- Severability --
Effective dates -- Application -- 1990 c 3:** See RCW
18.155.900 through 18.155.902.

Severability -- 1977 ex.s. c 316: See note following
RCW 70.48.020.

*70.48.110 Costs of new construction or
remodeling--
Approval--Conditions--Board's duties--Payments.
[1986 c 118 § 7; 1977 ex.s. c 316 § 11.] Repealed by
1987 c 462 § 23, effective January 1, 1988.*

*70.48.120 Local jail improvement and
construction account. [1987 c 462 § 8; 1986 c 118 §
8; 1981 c 276 § 2; 1977 ex.s. c 316 § 12.] Repealed
by 1991 sp.s. c 13 § 122, effective July 1, 1991.*

RCW 70.48.130

**Emergency or necessary medical and health care
for confined persons -- Reimbursement
procedures -- Conditions -- Limitations.**

It is the intent of the legislature that all jail inmates
receive appropriate and cost-effective emergency and
necessary medical care. Governing units, the
department of social and health services, and medical
care providers shall cooperate to achieve the best
rates consistent with adequate care.

Payment for emergency or necessary health care shall
be by the governing unit, except that the department
of social and health services shall directly reimburse
the provider pursuant to chapter 74.09 RCW, in
accordance with the rates and benefits established by
the department, if the confined person is eligible
under the department's medical care programs as
authorized under chapter 74.09 RCW. After payment
by the department, the financial responsibility for any
remaining balance, including unpaid client liabilities
that are a condition of eligibility or participation
under chapter 74.09 RCW, shall be borne by the
medical care provider and the governing unit as may
be mutually agreed upon between the medical care

provider and the governing unit. In the absence of
mutual agreement between the medical care provider
and the governing unit, the financial responsibility
for any remaining balance shall be borne equally
between the medical care provider and the governing
unit. Total payments from all sources to providers for
care rendered to confined persons eligible under
chapter 74.09 RCW shall not exceed the amounts that
would be paid by the department for similar services
provided under Title XIX medicaid, unless additional
resources are obtained from the confined person.

As part of the screening process upon booking or
preparation of an inmate into jail, general information
concerning the inmate's ability to pay for medical
care shall be identified, including insurance or other
medical benefits or resources to which an inmate is
entitled. This information shall be made available to
the department, the governing unit, and any provider
of health care services.

The governing unit or provider may obtain
reimbursement from the confined person for the cost
of health care services not provided under chapter
74.09 RCW, including reimbursement from any
insurance program or from other medical benefit
programs available to the confined person. Nothing
in this chapter precludes civil or criminal remedies to
recover the costs of medical care provided jail
inmates or paid for on behalf of inmates by the
governing unit. As part of a judgment and sentence,
the courts are authorized to order defendants to repay
all or part of the medical costs incurred by the
governing unit or provider during confinement.

To the extent that a confined person is unable to be
financially responsible for medical care and is
ineligible for the department's medical care programs
under chapter 74.09 RCW, or for coverage from
private sources, and in the absence of an interlocal
agreement or other contracts to the contrary, the
governing unit may obtain reimbursement for the cost
of such medical services from the unit of government
whose law enforcement officers initiated the charges
on which the person is being held in the jail:
PROVIDED, That reimbursement for the cost of such
services shall be by the state for state prisoners being
held in a jail who are accused of either escaping from
a state facility or of committing an offense in a state
facility.

There shall be no right of reimbursement to the
governing unit from units of government whose law
enforcement officers initiated the charges for which a
person is being held in the jail for care provided after
the charges are disposed of by sentencing or

otherwise, unless by intergovernmental agreement pursuant to chapter 39.34 RCW.

Under no circumstance shall necessary medical services be denied or delayed because of disputes over the cost of medical care or a determination of financial responsibility for payment of the costs of medical care provided to confined persons.

Nothing in this section shall limit any existing right of any party, governing unit, or unit of government against the person receiving the care for the cost of the care provided.

[1993 c 409 § 1; 1986 c 118 § 9; 1977 ex.s. c 316 § 13.]

NOTES:

Effective date -- 1993 c 409: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 15, 1993]." [1993 c 409 § 2.]

Severability -- 1977 ex.s. c 316: See note following RCW 70.48.020.

RCW 70.48.140

Confinement pursuant to authority of the United States.

A person having charge of a jail shall receive and keep in such jail, when room is available, all persons confined or committed thereto by process or order issued under authority of the United States until discharged according to law, the same as if such persons had been committed under process issued under authority of the state, if provision is made by the United States for the support of such persons confined, and for any additional personnel required.

[1977 ex.s. c 316 § 14.]

NOTES:

Severability -- 1977 ex.s. c 316: See note following RCW 70.48.020.

70.48.150 Temporary committee--Created--Membership--Duties--Report to legislature. [1977 ex.s. c 316 § 15.] Repealed by 1986 c 118 § 18.

RCW 70.48.160

Post-approval limitation on funding.

Having received approval pursuant to *RCW 70.48.060, a governing unit shall not be eligible for further funding for physical plant standards for a period of ten years from the date of the completion of the approved project. A jail shall not be closed for noncompliance to physical plant standards within this same ten year period. This section does not apply if:

(1) The state elects to fund phased components of a jail project for which a governing unit has applied. In that instance, initially funded components do not constitute full funding within the meaning of *RCW 70.48.060(1) and **70.48.070(2) and the state may fund subsequent phases of the jail project;

(2) There is destruction of the facility because of an act of God or the result of a negligent and/or criminal act.

[1987 c 462 § 9; 1986 c 118 § 10; 1981 c 276 § 3; 1977 ex.s. c 316 § 16.]

NOTES:

Reviser's note: *(1) RCW 70.48.060 was repealed by 1987 c 462 § 23, effective January 1, 1988.

***(2) RCW 70.48.070 was repealed by 1987 c 462 § 23, effective January 1, 1988.

Effective dates -- 1987 c 462: See note following RCW 13.04.116.

Severability -- 1977 ex.s. c 316: See note following RCW 70.48.020.

RCW 70.48.170

Short title.

This chapter shall be known and may be cited as the City and County Jails Act.

[1977 ex.s. c 316 § 17.]

NOTES:

Severability -- 1977 ex.s. c 316: See note following RCW 70.48.020.

RCW 70.48.180

Authority to locate and operate jail facilities -- Counties.

Counties may acquire, build, operate, and maintain holding, detention, special detention, and correctional

facilities as defined in RCW 70.48.020 at any place designated by the county legislative authority within the territorial limits of the county. The facilities shall comply with chapter 70.48 RCW and the rules adopted thereunder.

[1983 c 165 § 37; 1979 ex.s. c 232 § 16.]

NOTES:

Legislative finding, intent -- Effective dates -- Severability -- 1983 c 165: See notes following RCW 46.20.308.

RCW 70.48.190

Authority to locate and operate jail facilities -- Cities and towns.

Cities and towns may acquire, build, operate, and maintain holding, detention, special detention, and correctional facilities as defined in RCW 70.48.020 at any place within the territorial limits of the county in which the city or town is situated, as may be selected by the legislative authority of the municipality. The facilities comply with the provisions of chapter 70.48 RCW and rules adopted thereunder.

[1983 c 165 § 38; 1977 ex.s. c 316 § 19; 1965 c 7 § 35.21.330. Prior: 1917 c 103 § 1; RRS § 10204. Formerly RCW 35.21.330.]

NOTES:

Legislative finding, intent -- Effective dates -- Severability -- 1983 c 165: See notes following RCW 46.20.308.

Severability -- 1977 ex.s. c 316: See note following RCW 70.48.020.

70.48.200 Planning jail facility capacity, funding. [1986 c 118 § 11; 1979 ex.s. c 232 § 10.] Repealed by 1987 c 462 § 23, effective January 1, 1988.

RCW 70.48.210

Farms, camps, work release programs, and special detention facilities.

(1) All cities and counties are authorized to establish and maintain farms, camps, and work release programs and facilities, as well as special detention facilities. The facilities shall meet the requirements of chapter 70.48 RCW and any rules adopted thereunder.

(2) Farms and camps may be established either inside or outside the territorial limits of a city or county. A sentence of confinement in a city or county jail may

include placement in a farm or camp. Unless directed otherwise by court order, the chief law enforcement officer or department of corrections, may transfer the prisoner to a farm or camp. The sentencing court, chief law enforcement officer, or department of corrections may not transfer to a farm or camp a greater number of prisoners than can be furnished with constructive employment and can be reasonably accommodated.

(3) The city or county may establish a city or county work release program and housing facilities for the prisoners in the program. In such regard, factors such as employment conditions and the condition of jail facilities should be considered. When a work release program is established the following provisions apply:

(a) A person convicted of a felony and placed in a city or county jail is eligible for the work release program. A person sentenced to a city or county jail is eligible for the work release program. The program may be used as a condition of probation for a criminal offense. Good conduct is a condition of participation in the program.

(b) The court may permit a person who is currently, regularly employed to continue his or her employment. The chief law enforcement officer or department of corrections shall make all necessary arrangements if possible. The court may authorize the person to seek suitable employment and may authorize the chief law enforcement officer or department of corrections to make reasonable efforts to find suitable employment for the person. A person participating in the work release program may not work in an establishment where there is a labor dispute.

(c) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes, unless the court directs otherwise.

(d) Each work release prisoner's earnings may be collected by the chief law enforcement officer or a designee. The chief law enforcement officer or a designee may deduct from the earnings moneys for the payments for the prisoner's board, personal expenses inside and outside the jail, a share of the administrative expenses of this section, court-ordered victim compensation, and court-ordered restitution. Support payments for the prisoner's dependents, if any, shall be made as directed by the court. With the prisoner's consent, the remaining funds may be used

to pay the prisoner's preexisting debts. Any remaining balance shall be returned to the prisoner.

(e) The prisoner's sentence may be reduced by earned early release time in accordance with procedures that shall be developed and promulgated by the work release facility. The earned early release time shall be for good behavior and good performance as determined by the facility. The facility shall not credit the offender with earned early release credits in advance of the offender actually earning the credits. In the case of an offender convicted of a serious violent offense or a sex offense that is a class A felony committed on or after July 1, 1990, the aggregate earned early release time may not exceed fifteen percent of the sentence. In no other case may the aggregate earned early release time exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by noncorrectional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay.

[1990 c 3 § 203; 1989 c 248 § 3; 1985 c 298 § 1; 1983 c 165 § 39; 1979 ex.s. c 232 § 17.]

NOTES:

Index, part headings not law -- Severability -- Effective dates -- Application -- 1990 c 3: See RCW 18.155.900 through 18.155.902.

Application -- 1989 c 248: See note following RCW 9.92.151.

Legislative finding, intent -- Effective dates -- Severability -- 1983 c 165: See notes following RCW 46.20.308.

RCW 70.48.220

Confinement may be wherever jail services are contracted -- Defendant contact with defense counsel.

A person confined for an offense punishable by imprisonment in a city or county jail may be confined in the jail of any city or county contracting with the prosecuting city or county for jail services.

A jurisdiction that confines persons prior to conviction in a jail in another county is responsible for providing private telephone, video-conferencing, or in-person contact between the defendant and his or her public defense counsel.

[2002 c 125 § 2; 1979 ex.s. c 232 § 19.]

RCW 70.48.230

Transportation and temporary confinement of prisoners.

The jurisdiction having immediate authority over a prisoner is responsible for the transportation expenses. The transporting officer shall have custody of the prisoner within any Washington county while being transported. Any jail within the state may be used for the temporary confinement of the prisoner with the only charge being for the reasonable cost of board.

[1979 ex.s. c 232 § 18.]

RCW 70.48.240

Transfer of felons from jail to state institution -- Time limit.

A person imprisoned in a jail and sentenced to a state institution for a felony conviction shall be transferred to a state institution before the forty-first day from the date of sentencing.

This section does not apply to persons sentenced for a felony who are held in the facility as a condition of probation or who are specifically sentenced to confinement in the facility.

Payment for persons sentenced to state institutions and remaining in a jail from the eighth through the fortieth days following sentencing shall be in

accordance with the procedure prescribed under this chapter.

[1984 c 235 § 8; 1979 ex.s. c 232 § 20.]

NOTES:

Effective dates -- 1984 c 235: See note following RCW 70.48.400.

70.48.250 Legislative declaration. [1979 ex.s. c 232 § 1.] Repealed by 1987 c 462 § 22, effective January 1, 1988.

70.48.260 General obligation bonds authorized for jail construction, improvement, and related costs. [1986 c 118 § 12; 1980 c 143 § 1; 1979 ex.s. c 232 § 2.] Repealed by 1987 c 462 § 22, effective January 1, 1988.

RCW 70.48.270

Disposition of proceeds from sale of bonds.

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the local jail improvement and construction account hereby created in the general fund and shall be used exclusively for the purpose specified in this chapter and for payment of the expenses incurred in the issuance and sale of the bonds.

[1979 ex.s. c 232 § 3.]

RCW 70.48.280

Proceeds of bond sale -- Deposits -- Administration.

The proceeds from the sale of the bonds deposited in the local jail improvement and construction account of the general fund under the terms of this chapter shall be administered by the office subject to legislative appropriation.

[1987 c 462 § 10; 1986 c 118 § 13; 1979 ex.s. c 232 § 4.]

NOTES:

Effective dates -- 1987 c 462: See note following RCW 13.04.116.

70.48.290 Bonds--Terms and other particulars. [1979 ex.s. c 232 § 5.] Repealed by 1987 c 462 § 22, effective January 1, 1988.

70.48.300 Anticipation notes. [1979 ex.s. c 232 § 6.] Repealed by 1987 c 462 § 22, effective January 1, 1988.

RCW 70.48.310

Jail renovation bond retirement fund -- Debt-limit general fund bond retirement account.

The jail renovation bond retirement fund is hereby created in the state treasury. This fund shall be used for the payment of interest on and retirement of the bonds and notes authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the jail renovation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

If a debt-limit general fund bond retirement account is created in the state treasury by chapter 456, Laws of 1997 and becomes effective prior to the issuance of any of the bonds authorized by this chapter, the debt-limit general fund bond retirement account shall be used for the purposes of this chapter in lieu of the jail renovation bond retirement fund.

[1997 c 456 § 26; 1979 ex.s. c 232 § 7.]

NOTES:

Severability -- 1997 c 456: See RCW 43.99L.900.

Effective date -- 1997 c 456 §§ 9-43: See RCW 43.99M.901.

RCW 70.48.320 Bonds legal investments for public funds.

The bonds authorized in this chapter shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

[1979 ex.s. c 232 § 8.]

70.48.330 *Jails to meet board standards--Exception.* [1986 c 118 § 14; 1981 c 276 § 5.] *Repealed by 1987 c 462 § 22, effective January 1, 1988.*

No current .340

70.48.350 *Review and modification of jail standards--Legislative finding.* [1981 2nd ex.s. c 12 § 1.] *Expired June 30, 1984.*

70.48.355 *Review and modification of jail standards--Duty of commission.* [1981 2nd ex.s. c 12 § 2.] *Expired June 30, 1984.*

70.48.360 *Review and modification of jail standards--Report to legislature.* [1981 2nd ex.s. c 12 § 3.] *Expired June 30, 1984.*

70.48.370 *Special detention facilities--Mandatory custodial care standards--Restrictions.* [1983 c 165 § 35.] *Repealed by 1987 c 462 § 22, effective January 1, 1988.*

RCW 70.48.380
Special detention facilities -- Fees for cost of housing.

The legislative authority of a county or city that establishes a special detention facility as defined in RCW 70.48.020 for persons convicted of violating RCW 46.61.502 or 46.61.504 may establish a reasonable fee schedule to cover the cost of housing in the facility. The schedule shall be on a sliding basis that reflects the person's ability to pay.

[1983 c 165 § 36.]

NOTES:

Legislative finding, intent -- Effective dates -- Severability -- 1983 c 165: See notes following RCW 46.20.308.

RCW 70.48.390
Fee payable by person being booked.

A governing unit may require that each person who is booked at a city, county, or regional jail pay a fee based on the jail's actual booking costs or one hundred dollars, whichever is less, to the sheriff's department of the county or police chief of the city in which the jail is located. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department or city jail administration on the person's behalf. If the person has no funds at the

time of booking or during the period of incarceration, the sheriff or police chief may notify the court in the county or city where the charges related to the booking are pending, and may request the assessment of the fee. Unless the person is held on other criminal matters, if the person is not charged, is acquitted, or if all charges are dismissed, the sheriff or police chief shall return the fee to the person at the last known address listed in the booking records.

[2003 c 99 § 1; 1999 c 325 § 3.]

RCW 70.48.400
Sentences to be served in state institutions -- When -- Sentences that may be served in jail -- Financial responsibility of city or county.

Persons sentenced to felony terms or a combination of terms of more than three hundred sixty-five days of incarceration shall be committed to state institutions under the authority of the department of corrections. Persons serving sentences of three hundred sixty-five consecutive days or less may be sentenced to a jail as defined in RCW 70.48.020. All persons convicted of felonies or misdemeanors and sentenced to jail shall be the financial responsibility of the city or county.

[1987 c 462 § 11; 1984 c 235 § 1.]

NOTES:

Effective dates -- 1987 c 462: See note following RCW 13.04.116.

Effective dates -- 1984 c 235: "Section 5 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately [March 27, 1984]. The remainder of this act shall take effect July 1, 1984." [1984 c 235 § 10.]

RCW 70.48.410
Financial responsibility for convicted felons.

Persons convicted of a felony as defined by chapter 9A.20 RCW and committed to the care and custody of the department of corrections shall be the financial responsibility of the department of corrections not later than the eighth day, excluding weekends and holidays, following sentencing for the felony and notification that the prisoner is available for movement to a state correctional institution. However, if good cause is shown, a superior court judge may order the prisoner detained in the jail beyond the eight-day period for an additional period

not to exceed ten days. If a superior court orders a convicted felon to be detained beyond the eighth day following sentencing, the county or city shall retain financial responsibility for that ten-day period or portion thereof ordered by the court.

[1984 c 235 § 2.]

NOTES:

Effective dates -- 1984 c 235: See note following RCW 70.48.400.

RCW 70.48.420

Financial responsibility for persons detained on parole hold.

A person detained in jail solely by reason of a parole hold is the financial responsibility of the city or the county detaining the person until the sixteenth day, at which time the person shall become the financial responsibility of the department of corrections. Persons who are detained in a jail on a parole hold and for whom the prosecutor has filed a felony charge remain the responsibility of the city or county.

[1984 c 235 § 3.]

NOTES:

Effective dates -- 1984 c 235: See note following RCW 70.48.400.

RCW 70.48.430

Financial responsibility for work release inmates detained in jail.

Inmates, as defined by *RCW 72.09.020, who reside in a work release facility and who are detained in a city or county jail are the financial responsibility of the department of corrections.

[1984 c 235 § 4.]

NOTES:

*Reviser's note: RCW 72.09.020 was repealed by 1995 1st sp.s. c 19 § 36.

Effective dates -- 1984 c 235: See note following RCW 70.48.400.

RCW 70.48.440

Office of financial management to establish reimbursement rate for cities and counties -- Rate until June 30, 1985 -- Re-establishment of rates.

The office of financial management shall establish a uniform equitable rate for reimbursing cities and

counties for the care of sentenced felons who are the financial responsibility of the department of corrections and are detained or incarcerated in a city or county jail.

Until June 30, 1985, the rate for the care of sentenced felons who are the financial responsibility of the department of corrections shall be ten dollars per day. Cost of extraordinary emergency medical care incurred by prisoners who are the financial responsibility of the department of corrections under this chapter shall be reimbursed. The department of corrections shall be advised as far in advance as practicable by competent medical authority of the nature and course of treatment required to ensure the most efficient use of state resources to address the medical needs of the offender. In the event emergency medical care is needed, the department of corrections shall be advised as soon as practicable after the offender is treated.

Prior to June 30, 1985, the office of financial management shall meet with the *corrections standards board to establish criteria to determine equitable rates regarding variable costs for sentenced felons who are the financial responsibility of the department of corrections after June 30, 1985. The office of financial management shall re-establish these rates each even-numbered year beginning in 1986.

[1984 c 235 § 5.]

NOTES:

*Reviser's note: The corrections standards board no longer exists. See 1987 c 462 § 21.

Effective dates -- 1984 c 235: See note following RCW 70.48.400.

RCW 70.48.450

Local jail reporting form -- Information to be provided by city or county requesting payment for prisoners from state.

The department of corrections is responsible for developing a reporting form for the local jails. The form shall require sufficient information to identify the person, type of state responsibility, method of notification for availability for movement, and the number of days for which the state is financially responsible. The information shall be provided by the city or county requesting payment for prisoners who are the financial responsibility of the department of corrections.

[1984 c 235 § 6.]

NOTES:

Effective dates -- 1984 c 235: See note following RCW 70.48.400.

RCW 70.48.460

Contracts for incarceration services for prisoners not covered by RCW 70.48.400 through 70.48.450.

Nothing in RCW 70.48.400 through 70.48.450 precludes the establishment of mutually agreeable contracts between the department of corrections and counties for incarceration services of prisoners not covered by RCW 70.48.400 through 70.48.450.

[1984 c 235 § 7.]

NOTES:

Effective dates -- 1984 c 235: See note following RCW 70.48.400.

RCW 70.48.470

Sex, kidnapping offenders -- Notices to offenders, law enforcement officials.

(1) A person having charge of a jail shall notify in writing any confined person who is in the custody of the jail for a conviction of a sex offense as defined in RCW 9.94A.030 or a kidnapping offense as defined in RCW 9A.44.130 of the registration requirements of RCW 9A.44.130 at the time of the inmate's release from confinement, and shall obtain written acknowledgment of such notification. The person shall also obtain from the inmate the county of the inmate's residence upon release from jail and, where applicable, the city.

(2) When a sex offender or a person convicted of a kidnapping offense as defined in RCW 9A.44.130 under local government jurisdiction will reside in a county other than the county of conviction upon discharge or release, the chief law enforcement officer of the jail or his or her designee shall give notice of the inmate's discharge or release to the sheriff of the county and, where applicable, to the police chief of the city where the offender will reside.

[2000 c 91 § 4. Prior: 1997 c 364 § 3; 1997 c 113 § 7; 1996 c 215 § 2; 1990 c 3 § 406.]

NOTES:

Severability -- 1997 c 364: See note following RCW 4.24.550.

Findings -- 1997 c 113: See note following RCW 4.24.550.

Index, part headings not law -- Severability -- Effective dates -- Application -- 1990 c 3: See RCW 18.155.900 through 18.155.902.

RCW 70.48.480

Communicable disease prevention guidelines.

(1) Local jail administrators shall develop and implement policies and procedures for the uniform distribution of communicable disease prevention guidelines to all jail staff who, in the course of their regularly assigned job responsibilities, may come within close physical proximity to offenders or detainees with communicable diseases.

(2) The guidelines shall identify special precautions necessary to reduce the risk of transmission of communicable diseases.

(3) For the purposes of this section, "communicable disease" means a sexually transmitted disease, as defined in RCW 70.24.017, diseases caused by bloodborne pathogens, or any other illness caused by an infectious agent that can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

[1997 c 345 § 5.]

NOTES:

Findings -- Intent -- 1997 c 345: See note following RCW 70.24.105.

RCW 72.01.415

Offender under eighteen confined to a jail -- Segregation from adult offenders.

An offender under the age of eighteen who is convicted in adult criminal court of a crime and who is committed for a term of confinement in a jail as defined in RCW 70.48.020, must be housed in a jail cell that does not contain adult offenders, until the offender reaches the age of eighteen.

[1997 c 338 § 42.]

NOTES:

Finding -- Evaluation -- Report -- 1997 c 338: See note following RCW 13.40.0357.

Severability -- Effective dates -- 1997 c 338: See notes following RCW 5.60.060.

RCW 72.09.300

Local law and justice council, plan -- Rules -- Base level of services -- Juvenile justice services.

(1) Every county legislative authority shall by resolution or ordinance establish a local law and justice council. The county legislative authority shall determine the size and composition of the council, which shall include the county sheriff and a representative of the municipal police departments within the county, the county prosecutor and a representative of the municipal prosecutors within the county, a representative of the city legislative authorities within the county, a representative of the county's superior, juvenile, district, and municipal courts, the county jail administrator, the county clerk, the county risk manager, and the secretary of corrections. Officials designated may appoint representatives.

(2) A combination of counties may establish a local law and justice council by intergovernmental agreement. The agreement shall comply with the requirements of this section.

(3) The local law and justice council shall develop a local law and justice plan for the county. The council shall design the elements and scope of the plan, subject to final approval by the county legislative authority. The general intent of the plan shall include seeking means to maximize local resources including personnel and facilities, reduce duplication of services, and share resources between local and state government in order to accomplish local efficiencies without diminishing effectiveness. The plan shall also include a section on jail management. This section may include the following elements:

(a) A description of current jail conditions, including whether the jail is overcrowded;

(b) A description of potential alternatives to incarceration;

(c) A description of current jail resources;

(d) A description of the jail population as it presently exists and how it is projected to change in the future;

(e) A description of projected future resource requirements;

(f) A proposed action plan, which shall include recommendations to maximize resources, maximize the use of intermediate sanctions, minimize overcrowding, avoid duplication of services, and effectively manage the jail and the offender population;

(g) A list of proposed advisory jail standards and methods to effect periodic quality assurance inspections of the jail;

(h) A proposed plan to collect, synthesize, and disseminate technical information concerning local criminal justice activities, facilities, and procedures;

(i) A description of existing and potential services for offenders including employment services, substance abuse treatment, mental health services, and housing referral services.

(4) The council may propose other elements of the plan, which shall be subject to review and approval by the county legislative authority, prior to their inclusion into the plan.

(5) The county legislative authority may request technical assistance in developing or implementing the plan from other units or agencies of state or local government, which shall include the department, the office of financial management, and the Washington association of sheriffs and police chiefs.

(6) Upon receiving a request for assistance from a county, the department may provide the requested assistance.

(7) The secretary may adopt rules for the submittal, review, and approval of all requests for assistance made to the department. The secretary may also appoint an advisory committee of local and state government officials to recommend policies and procedures relating to the state and local correctional systems and to assist the department in providing technical assistance to local governments. The committee shall include representatives of the county sheriffs, the police chiefs, the county prosecuting attorneys, the county and city legislative authorities, and the jail administrators. The secretary may contract with other state and local agencies and provide funding in order to provide the assistance requested by counties.

(8) The department shall establish a base level of state correctional services, which shall be determined and distributed in a consistent manner statewide. The

department's contributions to any local government, approved pursuant to this section, shall not operate to reduce this base level of services.

(9) The council shall establish an advisory committee on juvenile justice proportionality. The council shall appoint the county juvenile court administrator and at least five citizens as advisory committee members. The citizen advisory committee members shall be representative of the county's ethnic and geographic diversity. The advisory committee members shall serve two-year terms and may be reappointed. The duties of the advisory committee include:

(a) Monitoring and reporting to the sentencing guidelines commission on the proportionality, effectiveness, and cultural relevance of:

(i) The rehabilitative services offered by county and state institutions to juvenile offenders; and

(ii) The rehabilitative services offered in conjunction with diversions, deferred dispositions, community supervision, and parole;

(b) Reviewing citizen complaints regarding bias or disproportionality in that county's juvenile justice system;

(c) By September 1 of each year, beginning with 1995, submit to the sentencing guidelines commission a report summarizing the advisory committee's findings under (a) and (b) of this subsection.

[1996 c 232 § 7; 1994 sp.s. c 7 § 542; 1993 sp.s. c 21 § 8; 1991 c 363 § 148; 1987 c 312 § 3.]

NOTES:

Effective dates -- 1996 c 232: See note following RCW 9.94A.850.

Finding -- Intent -- Severability -- 1994 sp.s. c 7: See notes following RCW 43.70.540.

Application -- 1994 sp.s. c 7 §§ 540-545: See note following RCW 13.50.010.

Effective dates -- 1993 sp.s. c 21: See note following RCW 82.14.310.

Purpose -- Captions not law -- 1991 c 363: See notes following RCW 2.32.180.

Purpose -- 1987 c 312 § 3: "It is the purpose of RCW 72.09.300 to encourage local and state government to join in partnerships for the sharing of resources regarding the management of offenders in the correctional system. The formation of partnerships between local and state government is

intended to reduce duplication while assuring better accountability and offender management through the most efficient use of resources at both the local and state level." [1987 c 312 § 1.]

RCW 72.64.100

Regional jail camps -- Authorized -- Purposes -- Rules.

The secretary [of DOC BC] is authorized to establish and operate regional jail camps for the confinement, treatment, and care of persons sentenced to jail terms in excess of thirty days, including persons so imprisoned as a condition of probation. The secretary shall make rules and regulations governing the eligibility for commitment or transfer to such camps and rules and regulations for the government of such camps. Subject to the rules and regulations of the secretary, and if there is in effect a contract entered into pursuant to RCW 72.64.110, a county prisoner may be committed to a regional jail camp in lieu of commitment to a county jail or other county detention facility.

[1979 c 141 § 272; 1961 c 171 § 4.]

RCW 72.64.110

Contracts to furnish county prisoners confinement, care, and employment -- Reimbursement by county -- Sheriff's order -- Return of prisoner.

(1) The secretary may enter into a contract with any county of the state, upon the request of the sheriff thereof, wherein the secretary agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services. Each county shall pay to the state treasurer the amounts found to be due.

(2) The secretary shall accept such county prisoner if he believes that the prisoner can be materially benefited by such confinement, care, treatment and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the secretary until the secretary has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(3) The sheriff of the county in which such an order is made placing a misdemeanor in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court.

(4) The secretary may return to the committing authority, or to confinement according to his sentence, any person committed or transferred to a regional jail camp pursuant to this chapter when there is no suitable employment or when such person is guilty of any violation of rules and regulations of the regional jail camp.

[1980 c 17 § 1. Prior: 1979 c 147 § 1; 1979 c 141 § 273; 1961 c 171 § 5.]