



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**September 25, 2018**

**Motion 15226**

**Proposed No.** 2018-0380.2

**Sponsors** Upthegrove

1           A MOTION accepting a report describing a pretrial  
2           services pilot program for south King County in  
3           compliance with Ordinance 18409, Section 55, as amended  
4           by Ordinance 18602, Section 29, Proviso P4.

5           WHEREAS, a 2017-2018 Supplemental Budget Ordinance, Ordinance 18602,  
6           Section 29, Proviso P4, which amended the 2017-2018 Biennial Budget Ordinance,  
7           Ordinance 18409, Section 55, requires the executive to transmit a report describing a  
8           pretrial services pilot program for south King County, and a motion accepting the report,  
9           and

10          WHEREAS, Ordinance 18602, Section 29, Proviso P4, provides that \$500,000  
11          shall not be expended or encumbered until the report required by the proviso is accepted,  
12          and the motion accompanying this reports is passed, and

13          WHEREAS, the council has reviewed the report submitted by the executive;

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

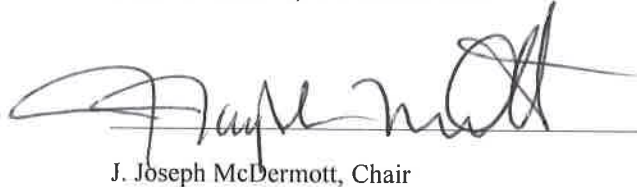
15          The report describing a pretrial services pilot program for south King County,

16 which is Attachment A to this motion, is hereby accepted in accordance with Ordinance  
17 18602, Section 29, Proviso P4, and the motion approving the report is passed.  
18

Motion 15226 was introduced on 8/20/2018 and passed by the Metropolitan King  
County Council on 9/24/2018, by the following vote:


Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



**Attachments:** A. DAJD - Pretrial Services Pilot Program for South King County, Dated September 12, 2018

DAJD-Motion and Report  
On a Pretrial Services Pilot Program for  
South King County

September 12, 2018

In Compliance with Ordinance 18409, Section 55

As amended by Ordinance 18602, Section 29, Proviso P4

July 20, 2018

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## I. INTRODUCTION

On November 7, 2017, Ordinance 18602, supplemental appropriations to the 2017-2018 Biennial Budget, amended the 2017-2018 Biennial Budget (Ordinance 18409) of the Department of Adult and Juvenile Detention (DAJD). This amendment included a proviso to develop a report outlining the creation of a pilot pretrial services program to serve defendants from the Norm Maleng Regional Justice Center in Kent. This proviso directs the development of an implementation plan for such a pilot program which would serve felony defendants from the King County Superior Court at the Norm Maleng Regional Justice Center. The development of this plan was to be in consultation with the Chief Judge at the Maleng Regional Justice Center (MRJC), Superior Court Presiding Judge, Chief Criminal Judge, Presiding Judge of District Court, Prosecuting Attorney's Office, the Department of Public Defense, the Department of Community and Human Services and the Facilities Management Division.

The full proviso language is provided in the next section

### Proviso Text – Section 29, DAJD Budget

P4 PROVIDED THAT:

*Of this appropriation, \$500,000 shall not be expended or encumbered until the executive transmits a report on a pretrial services pilot and a motion that should approve the report and the motion is passed by the council. The motion should reference the subject matter, the proviso's ordinance, section and proviso number in both the title and body of the motion.*

*The report shall include an implementation plan for a pilot pretrial services program to serve felony defendants in the King County superior court at the Norm Maleng Regional Justice Center. The implementation plan shall be develop in consultation with the chief judge at the Maleng Regional Justice Center, superior court presiding judge, chief criminal judge, presiding judge of the district court, prosecuting attorney's office, the department of public defense, the department of community and human services and the facilities management division. The implementation plan for the pilot shall include:*

- A. Eligibility for program requirements to include the type of charges;*
- B. The estimated number of defendants to be served by the program;*
- C. The types of pretrial services to be offered, such as drug and alcohol counseling, mental health counseling, Moral Reconciliation Therapy (MRT), medication management, public health, job placement, housing assistance and similar services;*
- D. The manner in which defendants will be assessed for services;*
- E. Proposed staffing levels and suggested service providers;*
- F. Cost estimates for at least three program alternatives including cost per participant, funding sources, and potential cost sharing models with other jurisdictions;*

- G. *Performance metrics to include but not limited to: identity of population not otherwise served, degree of program participation and rate of failure to appear; and rate of re-offense while on pretrial supervision as compared to defendants released either on personal recognizance or to the community center for alternative programs, or both, as well as projected cost savings from reduced detention;*
- H. *An estimate of any capital costs necessary to implement the program;*
- I. *A proposal to address the participation of defendants with concurrent holds from district court; and*
- J. *Propose site locations in south King County.*

*The executive must file the report and motion required by this proviso by July 31, 2018, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, the policy staff director and the lead staff for the budget and fiscal management committee, or its successor.*

### **Proviso Workgroup**

In response to the DAJD proviso described in the previous section, Superior Court convened a multi-agency workgroup seven times during the first and second quarters of 2018 to develop a south end King County pretrial services pilot implementation plan which met all the requirement of the proviso. The workgroup includes members from the following King County agencies:

- Department of Adult and Juvenile Detention
- Superior Court
- Department of Judicial Administration
- District Court
- Prosecuting Attorney's Office
- Department of Public Defense
- Department of Community and Human Services
- Facilities Management Division
- Office of Performance, Strategy and Budget

## **II. BACKGROUND ON THE LACK OF SERVICES AVAILABLE TO SOUTH END DEFENDANTS**

### **History of MRJC and Need to Equitably Provide Services:**

In 2002, the county council adopted the Adult Justice Operational Master Plan (AJOMP) as Ordinance 14430 that established policies for the use of secure detention, and alternatives to jail. With the approval of the AJOMP, the county established policies for the use of secure detention capacity. These policies emphasize system and process efficiencies that reduce the utilization of jail and reduce overall criminal justice expenditures, while also encouraging the use of alternatives to secure detention. By

adopting these policies the county has sought to make the best use of its limited detention resources and preserve public safety. Therefore, it has been the County's adopted policy for adult criminal justice since 2002 to make maximum use of alternatives to secure detention. In addition, county policy includes Council's stated intent that treatment—when it reduces offender recidivism—should be used to the fullest extent possible.

To implement the AJOMP policies, the county created a Community Corrections Division (CCD) within the Department of Adult and Juvenile Detention. After the creation of the new division, staff worked successfully with the Superior and District Courts (along with the Prosecutor and Public Defender and the Department of Community and Human Services) to develop the means by which the courts would use alternatives to secure detention.

To implement its mission to provide alternatives to secure detention, CCD created and currently operates the Community Center for Alternative Programs (CCAP). CCAP holds offenders accountable by requiring them to report daily to the CCAP facility in Seattle (Yesler Building) for structured programming throughout the day. The goal of CCAP is to assist offenders in changing those behaviors that have contributed to their being charged with a crime. CCAP provides on-site services as well as referrals to community-based services. Random drug tests are conducted to monitor for illegal drug use and consumption of alcohol. Offenders participating in CCAP may be scheduled for a variety of programs. There are two levels of CCAP: basic and enhanced. CCAP Basic is a telephonic day reporting program. CCAP Enhanced is a more comprehensive alternative that provides onsite substance use disorder treatment, mental health services and/or life skills programs. As of July 12, 2018 there were 109 individuals enrolled in CCAP Basic and 114 in CCAP Enhanced.

When the Maleng Regional Justice Center (MRJC) opened in Kent in 1997, the facility was originally intended to provide capacity for 33 percent of the criminal caseload. Over the last few years, the MRJC has been consistently handling approximately 44-45 percent of that caseload. Despite the large number of criminal cases originating from the MRJC, there are no pretrial services available in Kent. Individuals who may be eligible to participate in pretrial services are required to report daily to the CCAP facility in Seattle.

Most of the individuals engaged in services at CCAP are indigent and rely on public transportation. At the initial orientation participants are provided bus tickets in an effort to facilitate their transportation needs. Unfortunately, the most direct route to CCAP from Kent requires a bus ride of over an hour. For those participants living in other outlying cities and more rural areas of south King County without comparable public transportation options, the challenge of traveling downtown on a daily basis becomes even more complicated and time consuming.

The expense and lack of direct public transportation options, combined with the lack of resources and behavioral health issues prevalent among the pretrial services population have resulted in predictable difficulties for that population to attend and comply with CCAP program requirements. The result is an underutilization of pretrial services by MRJC participants (participation is limited to those who have the ability to secure transportation) and a high rate of failures to appear for those that are given the opportunity to attend. According to statistics from CCD, approximately one third of the CCAP participants in 2017 reported home addresses in south King County. According to Department of Judicial Administration (DJA) statistics, nearly fifty percent (50%) of the warrants issued for failures to report to the program from January 2016 through March 2018 were for individuals referred to CCAP

from the MRJC. Participants who reside in south King County fail to appear at a significantly higher rate than those with Seattle addresses. Those individuals that are not released to CCAP for lack of resources to travel remain incarcerated. Those individuals released to CCAP that fail to appear may be arrested and returned to custody.

With the establishment of the CCAP program, King County has recognized the positive impact an effective pretrial release program can have in reducing pretrial failures to appear, reducing pretrial recidivism and providing an opportunity for individuals to address their needs at the earliest opportunity in the criminal justice process. This is an acknowledgement that pro-social interventions that address substance use disorders, employment, housing, medical educational, and mental health issues afford defendants the opportunity for personal improvement, reduce failures to appear and decrease the likelihood of criminal behavior.

Many studies have documented the negative impact that pretrial incarceration has on employment, education and families. Jail time can result in job loss, home loss and disintegrated social relationships which in turn increase the likelihood of re-offending upon release.<sup>1</sup> Pretrial incarceration may also have a negative impact on the outcome of an individual's criminal case. One study found that when other relevant statistical controls are considered, defendants detained until trial or case disposition are 4.44 times more likely to be sentenced to jail and 3.32 times more likely to be sentenced to prison than defendants who are released at some point pending trial. The jail sentence is 2.78 times longer for defendants who are detained for the entire pretrial period and the prison sentence is 2.36 times longer. The effect of pretrial detention on sentence length appears to be strongest for low risk defendants.<sup>2</sup>

Given the lack of available pretrial services at the MRJC, individuals facing charges are less likely than those in Seattle to have the opportunity to participate in pretrial services, less likely to be successful when released to those services and, as a result, more likely to remain incarcerated pending trial. Setting aside the negative impact this may have on the pretrial jail population (which accounts for approximately 65% of the total jail population), the lack of available pretrial services in south King County exposes those individuals in the criminal justice system with south end addresses to the negative impacts of pretrial incarceration at a rate disparate to those with Seattle addresses.

The population affected by the lack of pretrial services in south King County is likely to continue to grow in the foreseeable future. South King County has gained the largest share of population growth in King County over the last 20 years. That increase is comprised mostly of people of color. The area also has a higher poverty rate than King County as a whole and has a significantly higher unemployment rate. It is

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<sup>1</sup> Freiburger, T., C. Marcum and M. Pierce, "The impact of Race on the Pretrial Decision." *American Journal of Criminal Justice*, Vol 35 No. 1, pp 76-86 (2010).

<sup>2</sup> "Investigating the Impact of Pretrial Detention on Sentencing Outcomes," Lowenkamp, VanNostrand and Holsinger (November 2013).



one of the most ethnically diverse regions in the county.<sup>3</sup> Providing adequate and attainable pretrial services to this community is an equity and social justice issue.

### III. PROGRAM ELIGIBILITY REQUIREMENTS

The committee discussed a desire to pursue a data driven approach to determine participant eligibility. Unfortunately, an extensive search for data by many of the committee members revealed that there are very little data addressing the characteristics of successful pretrial participants, the efficacy of individual treatment programs or whether there are certain crime classifications that indicate an increased likelihood of successful compliance. As a result, the committee acknowledged that although some eligibility criteria can be established, the ultimate decision for release to pretrial services would be a judicial determination made at the arraignment or bond stage of the criminal process.

The court will rely on the factors espoused in Criminal Rule 3.2, RCW 10.21.050 in conjunction with an individual's need for pretrial services in making a determination regarding eligibility. These factors include considerations such as:

1. Whether the participant would be likely to commit a violent offense;
2. Whether s/he would be likely to return to court; and
3. Whether s/he would be likely to interfere with the administration of justice.

Release to the program would occur in those cases where a structured environment addressing chemical dependency or mental health issues would alleviate those concerns. Individuals currently charged with serious violent and/or sex offenses would not be eligible for release into the program.

Eligible participants could include both pretrial and post-conviction populations or it could be limited to those whose cases are in pretrial status. If limited to pretrial participants, expansion of the program to include post-conviction participants could be assessed at the conclusion of the pilot project. The size of the population served will have an impact on staffing and facility needs. Participants may be referred from the MRJC or from the King County Courthouse (KCCH) if the participant resides in south King County.

### IV. NUMBER OF DEFENDANTS TO BE SERVED

The Seattle CCAP program served approximately 300 participants with south end addresses last year. That population includes both pretrial and post-conviction participants. Although it is difficult to predict with precision, it can be reasonably assumed that those numbers will increase with the addition of participants who were not released to the Seattle CCAP program due to the lack of resources for transportation. Control over the size of the population could be managed by limiting eligibility of the program to the pretrial population, rather than both pretrial and post-conviction, and by setting a limit

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<sup>3</sup> South King County Demographics, Selections from recent presentations. For Regional Law, Safety and Justice Committee. Chandler Felt, Demographer, King County Office of Performance, Strategy and Budget (2014); King County Community Health Needs Assessment (2015/2016).

on the average daily population (ADP). Approximate staffing costs associated with ADP's of up to 40, 60 or 75 are presented in the grid below.

There are many variables that can affect the total number of participants that would be served each year. For example, the individual needs of participants and the time to disposition of their cases would dictate the amount of time they spend in the program. The sooner participants move on from the program, the greater the number of participants that can be served. As a result, predictions of the number of participants that could be served each year have been extrapolated from data collected at the Seattle CCAP program.

In 2017, Seattle CCAP served over 900 participants with an ADP of 125. Extrapolating directly from that data, an ADP of 40 would serve approximately 280 participants per year, an ADP of 60 would serve approximately 430 and an ADP of 75 would serve approximately 540. A portion of this population would be comprised of those that would currently be released to the Seattle program and a portion would include those that would not have been released but for the addition of the south King County program.

It is likely that the creation of a south King County pretrial services program would result in fewer defendants being held in custody at MRJC pending their trial. However, because decisions about releasing individuals to CCAP or a similar south County program are left to the discretion of individual judges, it is difficult to predict how a new pretrial services program would affect the ADP in detention at MRJC.

## V. TYPES OF SERVICES OFFERED

Initial services offered by the MRJC Pretrial Services Pilot could include the following:

Transportation upon release from secure detention directly to the pretrial release facility for intake/orientation.

Intake assessment to identify chemical dependency, mental health and other needs. These assessments will inform client treatment (whether on or off site) as well as staff interactions and curriculum assignments.

Following assessment, onsite services or referrals to offsite services could include:

- Substance use disorder outpatient treatment.
- Access to methadone and Suboxone medication-assisted treatment (MAT).
- Behavior Health Treatment: Treatment on-site or off-site if unavailable at the south County location. This would include substance use disorder treatment with MAT options and mental health treatment or linkages using a cognitive-behavioral approach adapted for different cultures.
- Life Skills: These services would be based on a cognitive-behavioral curriculum such as Moral Reconciliation Therapy (MRT) or Thinking for a Change.
- Benefit Enrollment: The County would purchase additional time of a Washington State Department of Social and Health Services (DSHS) staff person to assist clients with registration and enrollment with a variety of benefits, such as Medicaid, cash assistance, Supplemental Nutrition Assistance Program (SNAP) and/or disability benefits.

- Employment Services: This assistance would be via contract with a service provider who would connect clients with the King County jobs initiative and employers throughout the county and would provide services and products to help the clients be successful. Examples of such assistance might be the purchase of work boots to enable success in a construction job.
- Housing Screening and Linkage: These services would provide assistance for clients without stable homes, to get screening and completion applications for housing wait lists.
- 12 step Program/Recovery Café type services: This type of program, typically provided in the evening, would not fit into the program hours, but the program could provide referral on a voluntary basis.
- GED Enrollment, Prep, and Testing: This would allow clients to enroll and at least start preparation for the GED, and depending on length of stay, complete the testing.
- Vocational Training: With the intent of developing skills for employment viability, vocational training would be provided.
- Adult Basic Education: Assistance with reading and other basic skills would be provided to help clients with success in job applications, employment viability, GED preparation, etc.
- Acupuncture: Though not an evidence-based treatment, acupuncture has shown results for those dealing with chemical dependency and was found to be a preferred service of clients at the former North Rehabilitation Facility. The county had a positive relationship with Bastyr University to provide this service: King County clients received the on-site service at a reasonable cost and Bastyr used it as an opportunity to train their acupuncture students.
- Yoga: Yoga behind Bars is provided to the inmates at the Veteran’s Program at the MRJC and may be able to be extended.

## VI. ASSESSMENT FOR SERVICES AND PROCESS

Although the MRJC Pretrial Services Pilot would be modeled, in large part, on the CCAP program in Seattle, the committee recognized the opportunity to introduce some evidence-based practices that may decrease pretrial failures to appear and pretrial recidivism as well as increase a participant’s attendance and compliance.

Pretrial supervision must be individualized and based on each defendant’s risk level and circumstances. Using “blanket conditions” imposed on all defendants or a “one-size-fits-all” approach is not an effective use of resources and is less likely to address an individual’s needs. The MRJC Pretrial Services Pilot would focus on the use of individual assessments to appropriately tailor services rather than a predetermined schedule of services. The use of individual assessments allows for greater flexibility in designing a plan that meets the needs of the individual being served. All assessments would be done post release and would be confidential. CCD staff would conduct an intake interview with each participant and determine that individual’s needs. The participant would then be referred for a chemical dependency and/or mental health assessment as needed. The assessment would be conducted by a community based provider. The Seattle program currently contracts with Asian Counseling and Referral Services for assessments. There are viable community programs on the south end (such as Valley Cities Behavioral Services) that currently have a relationship with our CCD caseworkers, are familiar with the population to be served and are capable of providing similar services. The participants would then follow up with the appropriate services through community programs.

CCD staff would also assess participants for other immediate needs at intake. Appropriate referrals can be made at intake related to emergency shelter, access to food, etc. Participants would also have access to a DSHS representative on site for assistance with SNAP, housing and essential needs (HEN), Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), etc.

CCD staff would provide life skills training on site.

CCD staff would monitor participant compliance both on and off site. As part of the MRJC Pilot Project, CCD staff would be given the discretion to request modification of a participant's services, reporting requirements and level of supervision from time to time based on a participant's needs. The ability to modify services in response to changing circumstances is key to supporting the success of program participants and meeting their long term needs. Modification would occur through an expedited process of judicial approval.

Notification of upcoming court appearances (including phone calls, recorded phone messages, mail notification, text messaging and email) is highly effective at reducing the risk of failure to appear.<sup>4</sup> As part of the MRJC Pilot Project, CCD staff would be responsible for developing a system to remind participants of pending court hearings. Studies show that simple reminders, such as text messages, have a substantive impact on reducing failure to appear rates.

Individuals currently released into the CCAP program pretrial are ordered to report for orientation the following business day at 9:00 am. As part of the MRJC Pilot Project, individuals released into the program would be required to report the same afternoon. Participants who attend the initial orientation are more likely to continue to be engaged in the program.

CCD staff would notify the court of a participant's failure to appear or failure to comply via a request for a review hearing at their discretion. Seattle CCAP currently terminates an individual's participation in treatment upon request for court review. The participant is prohibited from returning to the facility, a warrant is issued and a hearing is set at the initiation of the participant's attorney or upon arrest. The participant remains in the community unsupervised until he or she is brought before the court. As part of this pilot project, CCD staff, at their discretion, may permit a participant to remain in the program pending the court's review of a violation. This will encourage participants to become compliant with their treatment obligations prior to the court's review and discourage failures to appear at court hearings for fear of being taken into custody on a CCAP warrant.

Timely and meaningful responses to defendant conduct is a recognized evidence-based practice in community corrections.<sup>5</sup> Giving CCD staff the discretion to determine when court intervention is necessary is a recognition that most alleged violations can be handled by the pretrial services caseworkers (with permission of the court) rather than requiring formal court proceedings for every

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<sup>4</sup> Eckert, M. and Rouse, M. (1991). *The 1991 Court-Date Notification Study; A Preliminary Report on CJA Notification Procedures. "Reducing Failure to Appear in Nebraska; A Field Study."* *The Nebraska Lawyer*, 13 no. 8. Kanu, M. (2014).

<sup>5</sup> Carter, M (2001). "Responding to Parole and Probation Violations; A Handbook to Guide Local Policy Development. Washington, DC: National Institute of Corrections.

alleged violation. When appropriate, the court can be notified of a violation and a timely hearing date can be set.

## VII. STAFFING, SERVICE PROVIDERS AND COST ESTIMATES

Staffing levels would be determined by the number of participants and services ultimately funded. The Seattle program currently serves an ADP of approximately 125 participants with 1.0 supervisor, 4.0 caseworker FTE's, 1.0 administrative FTE and 1.0 benefit enrollment FTE. Proposed staffing levels and an estimate of the associated costs are included in Table 1 below.

The following table breaks out the estimated cost of staffing for each service. The total cost would depend on the size of the ADP and the services provided. These costs do not reflect those associated with real estate, fixed assets and tenant improvement or security, which are addressed separately. The minimal level represents estimated costs associated with an ADP of up to 40 participants. The middle level represents estimated costs for an ADP of approximately 60 participants and the top level represents an ADP of approximately 75 participants. A portion of these costs may be offset by a reduction in the ADP at the Seattle CCAP program although it is unclear at this point whether the potential ADP reduction in Seattle would result in budgetary reductions. Although the table below indicates FTE values for each service, it is likely that some of these services would be provided on contract rather than by King County employees.

A review of possible grant opportunities was done by Superior Court, however, as of this writing none were directly applicable to the support of this pilot.

**Table 1: South King County Pre-Trial Services, Staffing, and Program Costs**

	Minimal Level (40)	Estimated 2019-2020 Cost	Middle Level (60)	Estimated 2019-2020 Cost	Top Level (75)	Estimated 2019-2020 cost
<b>Caseworkers</b>	1.0 FTE	\$265,000	2.0 FTE	\$530,000	2.0 FTE	\$530,000
<b>Assessment for Chemical Dependency, MH, Risk Needs</b>	0.5 FTE	\$90,000	.75 FTE	\$135,000	1.0 FTE	\$180,000
<b>Pre-Treatment Groups</b>	1.0 FTE	\$170,000	1.5 FTE	\$255,000	2.0 FTE	\$340,000
<b>Treatment</b>		\$100,000 (non-Medicaid)		\$150,000 (non-Medicaid)		\$200,000 (non-Medicaid)
<b>Full time Supervisor</b>	1.0 FTE	\$192,000	1.0 FTE	\$192,000	1.0 FTE	\$192,000
<b>Life Skills Groups</b>		\$102,000		\$136,000		\$272,000
<b>Benefit Enrollment</b>	.5 FTE	Already covered	.75 FTE	\$38,000	1.0 FTE	\$76,000
<b>Resource Specialist to assist w/referral to GED,</b>	.5 FTE	\$90,000 + \$10,000 for supplies	.5 FTE	\$90,000 + \$10,000 for supplies	.75 FTE	\$135,000 + \$10,000 for supplies

	Minimal Level (40)	Estimated 2019-2020 Cost	Middle Level (60)	Estimated 2019-2020 Cost	Top Level (75)	Estimated 2019-2020 cost
employment, etc. + funds for related needs.						
GED Prep, Enrollment, Testing	X		X		X	
Vocational Training	X		X		X	
Adult Basic Education	X		X		X	
Employment Services	X		X		X	
Housing Screening and Linkage	X		X	\$45,000	X	\$90,000
Acupuncture			X	\$35,000	X	\$70,000
Yoga					X	
12 step Prgm/ Recovery Café		N/A		N/A	X	N/A
<b>EST BIENNIAL PROGRAM TOTAL</b>	4.5 FTE	\$1,019,000	6.5 FTE	\$1,616,000	7.75 FTE	\$2,095,000

Security at CCAP in Seattle is provided by FMD security officers; FMD estimates that a similar level of security could be provided at a South King County location with 2.0 FTEs. In addition to the cost of these two officers, there would also be one-time expenses to cover the costs of camera recording, duress security equipment, magnetometer, and scanning wands, as shown in the table below.

**South King County Pre-Trial Services Security Costs**

	FTEs	Estimated 2019-2020 Cost
Ongoing		
Security Officers	2.0	\$358,000
One-time		
Equipment		\$60,000
<b>TOTAL</b>		<b>\$418,000</b>

Facilities costs represent the last significant expense of a new South King County pre-trial services program. Based on information provided to the Facilities Management Division (FMD) by the Chief Judge at MRJC, has FMD has estimated the total space need at approximately 2000 square feet for the smallest program size discussed here. A survey of currently available commercial properties available for lease in Kent showed an average cost of about \$20 per square foot, so the estimated biennial lease cost is expected to be at least \$80,000. This amount does not include operations and maintenance, which would be an additional ongoing expense. It is likely that any leased space would also require one-time tenant improvements, but these would be site-specific and are unknowable at this time. Building to

suit or repurposing an existing County facility would likely require much greater initial capital investment.

**South King County Pre-Trial Services Cost Summary**

	<b>2019-2020 Biennial Cost</b>
Ongoing Costs	
Program Staff and Contracts	\$1,019,000 to \$2,095,000 depending on program size
Security	\$358,000
Leased Facility	\$80,000
Facilities O&M	Unknown
<b>TOTAL ONGOING</b>	<b>\$1,457,000 to \$2,533,000</b>
One-Time Costs	
Security Supplies	\$60,000
Tenant Improvements	Unknown
Furniture and Fixed Equipment	Unknown

**VIII. PERFORMANCE METRICS**

The committee acknowledged the need to assess the performance of the MRJC pretrial services pilot project through the collection and analysis of relevant data but also recognized the constraints imposed by current data collection methods as well as the relatively limited initial project duration.

Pilot data would be collected over a three year period for approximately 280- 540 program participants per year. ADP would be driven by funding considerations.

**A. Initial Participation**

Initial participation would be measured by monitoring the number of warrants requested for participants who fail to report for orientation. This data would be collected by CCD and would be compared to the Seattle CCAP pretrial population.

**B. Successful Participation**

Successful participation would be measured by monitoring the number of warrants requested for participants that fail to appear or fail to comply with the program requirements after orientation. This data would be collected by CCD and would be compared to the Seattle CCAP pretrial population.

**C. Reduction of Failures to Appear**

Reduction of failures to appear at court hearings would be measured by monitoring the number of warrants issued for each program participant’s failure to appear. The Department of Judicial

Administration would collect this data and it would be compared to the Seattle CCAP pretrial population as well as the population released on personal recognizance.

#### D. Pretrial Recidivism

Re-offense while on pretrial release would be measured by monitoring the number of referrals for criminal charges for incidents that occurred while a participant was in the pretrial release program. This data would be collected by the King County Prosecuting Attorney's Office and would be compared to the Seattle CCAP pretrial population as well as the population released on personal recognizance.

#### E. Impact on Time to Resolution

Impact on time to resolution would be measured by comparing the time from filing to disposition for program participants in the MRJC Pilot Project to the Seattle CCAP pretrial population as well as the population released on personal recognizance. This information would be collected by the Department of Judicial Administration and would be sorted by crime category.

The Department of Judicial Administration would act as the repository for all of the data collected. Data would be collected prospectively from the date the pilot project begins. DJA would attempt to collect historical data prior to the completion of the project. DJA would organize the data and prepare reports for distribution.

## IX. CONCURRENT HOLDS PROPOSAL

Release from superior court into Seattle CCAP is often delayed due to active warrants from district and municipal courts. King County District Court and many municipal courts throughout King County currently participate in a warrant quash reciprocity agreement. That agreement permits member jurisdictions to quash warrants from other jurisdictions subject to certain limitations. Prior to the implementation of the MRJC Pretrial Pilot Project, the superior court will consult with members of that reciprocity agreement to determine if its participation would be appropriate and/or to explore other options to request expedited warrant quash hearings for those pending release into the pilot project.

## X. PROPOSED SITE LOCATIONS

This committee has enjoyed the helpful assistance of the Facilities Management Division (FMD) in assessing the availability of and costs associated with an appropriate facility. Information gained from that assistance is summarized below. More definitive information would require some minimal investment of resources and some assurance that this pilot project is supported moving forward, however, given the current available properties in the south end, we are optimistic that a suitable location can be found.



There are four general categories of potential site locations. Private space, property owned by King County, property owned by other government entities and portable modules. Facility size would vary depending on the ADP. An ADP of up to 40 participants would require office space for up to 2 caseworkers, an office for a benefits representative, space for reception and security, a break room, bathrooms and space for 2 meeting rooms large enough for up to 20 people at any given time. Given those requirements, a potential program for an ADP of up to 40 participants could be as follows:

- 3 private offices @ 120 sf per office 360 sf
- Reception area @400 sf
- 2 Conference Rooms (accommodate up to 20 people each) @400 each/800sf
- Breakroom @150sf
- Circulation and restroom @200

### **Total SF approximately 1910**

This program would need to be confirmed by CCD and the FMD, checked for code mandated occupancy requirements and zoning compliance and by the tenant agency as a viable program space for the approved service delivery model. Once these checks are completed, a test fit should be completed before any lease negotiations are commenced.

The space requirements would increase with the addition of staff in proportion to the ADP.

The most desirable location for this project would be close to the MRJC, close to a public transportation hub, close to community services and in a non-retail or residential area.

### Private Market

Space in the Kent area is currently priced at approximately \$17.00 - \$25.00 psf. Given the relatively short term of the lease (3 years) tenant improvement would likely be more expensive than that expected for a long term lease. Zoning restrictions would also have to be taken into consideration. FMD has identified the following sample properties that meet the criteria:

#### **407 W. Gowe Street**

- Asking Lease Rate Per Square Foot (including NNN): \$20.50
- Monthly Rent: \$5,125
- Annual Rent: \$61,500
- Size: 3,000 sf
- Parking: 7 dedicated stalls
- Available immediately
- Directly adjacent to Valley Cities

\*FMD has toured this property and can provide more detailed information upon request.

#### **610 W Meeker Street, Kent Professional Building**

- Asking Lease Rate Per Square Foot (including NNN): \$16.00
- Monthly Rent: \$5,866

- Annual Rent: \$70,400
- Size: 4,400 sf
- Parking: 16 dedicated stalls
- Available immediately
- Valley Cities .4 miles from this location

\*FMD has not vetted this property and is uncertain whether it would be a viable option based on local zoning codes.

#### Current King County Property

The committee considered space in Burien District Court and Renton District Court that vacated when their criminal calendars were relocated to the MRJC. Neither appear to be a viable option. The county's Black River facility was considered as well, however, its Renton location is not preferred and the status of the space is in flux. Consideration of other county owned property will continue.

#### Property Owned by Other Government Entities

The committee discussed the former Aukeen District Court (currently the Kent Municipal Court) as an option to be investigated. That facility is currently owned by the city of Kent. Further inquiries regarding non-King County owned government facilities would need to be made to the appropriate entities. Those entities are most likely the cities of Kent, Auburn and Federal Way.

#### Portable Modules

The committee discussed using modules such as those used for temporary classroom during construction at high schools. The modules are approximately 2400 sf and are already configured as classrooms and could be purchased "used". Potential sites discussed were the vacant area on the south side of the MRJC or other vacant county owned land in the area.

## XI. CONCLUSION

This committee recognizes the need for pretrial services in south King County and supports implementation of a three year pilot program if an appropriate site can be identified and adequate budget authority is made available. It is the consensus of the committee that the program be limited to pretrial participants (as opposed to pretrial and post-conviction participants) and that the ADP be limited to 40. The committee recommends that data be collected to determine the rate of initial participation in the program, the rate of successful completion, the impact on failures to appear and the impact on pretrial recidivism.

The committee also recognizes the need for a comprehensive approach to alternatives to incarceration in King County and the work currently being done by the Council in that regard. It will be important to align any south end pretrial services program with redesign efforts currently underway in Seattle CCAP as well as other CCD and alternatives to incarceration programs. The three year time frame for this pilot program provides the flexibility for assimilation into a longer term comprehensive strategy and will add valuable south end information critical to finalizing a comprehensive approach.

Should this program be funded, this committee or a reconfiguration thereof, is committed to assist with implementation as may be appropriate.