

September 20, 1993  
93-535RE.ORD (clt)

Introduced by: Ron Sims  
Proposed No.: 93 - 535

ORDINANCE NO. **11045**

AN ORDINANCE making an appropriation of \$2,000 to the Prosecuting Attorney and \$15,050 to the Superior Court from Special Programs Executive Contingency; and amending Ordinance No. 10641, Sections 29, 30 and 37, as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There is hereby approved and adopted appropriations of \$2,000 to the prosecuting attorney and \$15,050 to the superior court from Special Programs Executive Contingency to support the accelerated sentencing program.

SECTION 2. Ordinance 10641, Section 37, as amended is hereby amended by adding thereto and inserting therein the following:

SPECIAL PROGRAMS, EXECUTIVE CONTINGENCY - From the Current Expense Fund there is hereby disappropriated from:

Special Programs, Executive Contingency (\$17,050)

SECTION 3. Ordinance 10641, Section 29, as amended is hereby amended by adding thereto and inserting therein the following:

PROSECUTING ATTORNEY - From the Current Expense Fund there is hereby appropriated to:

Prosecuting Attorney \$2,000

SECTION 4. Ordinance 10641, Section 30, as amended is hereby amended by adding thereto and inserting therein the following:

SUPERIOR COURT - From the Current Expense Fund there is hereby appropriated to:

Superior Court \$15,050

The number of additional FTEs for the Superior Court shall be: 0.50

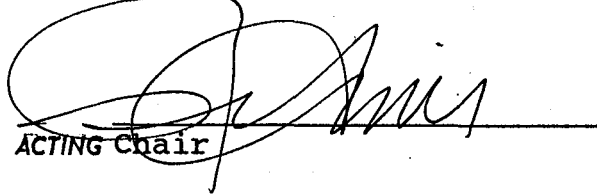
PROVIDED THAT:

The office of financial management shall be responsible for conducting an evaluation of the accelerated sentencing

1 program. This evaluation shall demonstrate whether the program  
2 is meeting its objective to reduce jail population. In  
3 addition, the evaluation shall quantify expenditures and  
4 workload impacts for all county agencies, summarize additional  
5 program benefits, and contain a conclusion about whether the  
6 program is meeting its objective. A report containing the  
7 results of the evaluation shall be transmitted to the council  
8 before October 18, 1993.

9 INTRODUCED AND READ for the first time this 19<sup>th</sup> day  
10 of July, 1993.  
11 PASSED this 27<sup>th</sup> day of September, 1993.

12 KING COUNTY COUNCIL  
13 KING COUNTY, WASHINGTON

14   
15 ACTING Chair

16 ATTEST:

17   
18 Clerk of the Council

19 APPROVED this 7<sup>th</sup> day of OCTOBER, 1993

20   
21 King County Executive

22 Attachments:

23 A. Accelerated Sentencing Program Update

## ACCELERATED SENTENCING PROGRAM UPDATE

### History of Accelerated Sentencing

In 1992, the King County Regional Law, Safety, and Justice Committee (RLSJC) considered a series of proposals aimed at reducing jail population in the King County Jail due to serious concerns about overcrowding. If the rate of growth were to continue, the KCCF would exceed operational capacity at some point in 1993, requiring the County to contract for additional bed space or to seek other alternative capacity options prior to the completion of the new Regional Justice Center in South King County. A more immediate problem was the difficulty in keeping the Hammer lawsuit violations to a minimum.

One of the main drivers of the Jail population is the category of pre-sentence felons. In 1983, this category comprised 25.8% of the Jail population. In 1992, pre-sentence felons comprised 45.1% of the Jail population, a growth of 19.3% in nine years. The pre-sentence population is not eligible for programs which provide alternatives to incarceration in the crowded Tower facility, placing a greater burden upon the operational capacity than the sentenced population. The alternative programs currently available for eligible sentenced inmates include housing at the North Rehabilitation Facility (NRF), Electronic Home Detention, Work Release, or transfer to the State Department of Corrections (DOC).

One population management option which the RLSJC Committee endorsed was to accelerate certain felony sentencings, thus directly impacting this rapidly growing inmate population. It has been the Executive's policy to utilize all available in-house population management options which have been analyzed to be cost-effective before seeking more expensive alternatives, and this particular option has the potential to not only impact the pre-sentence felon population, but to instigate other system efficiencies as well.

### Program Explanation and Implementation

Historically, there has been a four to six week interval between plea or conviction and sentencing. This time is used by the DOC to gather and document the defendant's criminal history in a Presentence Investigation Report (PSI). Under the accelerated sentencing calendar, a sentencing summary report is used rather than the full PSI, and the DOC now begins the PSI process at arraignment rather than at the time of plea or conviction. As a result, sentencing is expedited so that a defendant who pleads guilty or is convicted on Monday can be sentenced on Friday of the same week, rather than four to six weeks later.

The accelerated sentencing calendar was implemented by the Superior Court in December of 1992. Only certain cases are eligible for accelerated sentencing. These include:

- Corporate theft crimes
- Drug crimes with no deadly weapon allegation
- Eluding a police officer if there has been no property loss or damage or victim injury

- Employment security and welfare fraud
- Escape, failure to return to work release and failure to be available to DOC
- Illegal possession of a firearm (VUFA)
- Introducing contraband
- Perjury

The following cases are excluded from accelerated sentencing:

- The defendant or DOC will request a first time offender waiver
- A mental disease or defect caused or affected the incident charged
- An exceptional sentence, either above or below the standard sentencing range, will be requested
- The case involves direct victim(s)
- The case is a high profile case with public interest
- Special assault cases
- Cases with a disputed criminal history

Currently, two judges are assigned each Friday afternoon to the accelerated sentencing calendars. A maximum of 14 defendants per judge or 28 defendants total may be sentenced each week on this calendar. The judges rotate after two weeks on the accelerated sentencing calendar so that all judges will have a chance to get used to the process.

The entire process of scheduling the calendars, sharing defendant and criminal history information, and sentencing requires a great deal of coordination and communication between the Superior Court, the Prosecutor's Office, the Office of Public Defense, the DOC, and the Department of Adult Detention (DAD). It has taken time for all agencies to learn about and get used to the accelerated sentencing process, therefore the impact upon the jail population has been increasing as the program has progressed (the jail impact is explained below).

The program continues to be evaluated and refined. All of the agencies involved continue to meet and communicate their needs for changes as the system adjusts to the new procedures and workloads. Some of the more significant changes to the program are listed below.

#### Changes to the Accelerated Sentencing Program

The following changes have been made since the calendar was implemented in December, 1992 to improve the accelerated sentencing process.

1. The DOC now prepares sentencing summaries only for defendants who are eligible for the accelerated sentencing calendar. Previously, DOC began preparing the summary PSIs for all defendants. As a result, they were not always able to deliver the summaries on time and sentencings would have to be continued on to the next week's calendar. Since the DOC started to prepare summaries for only eligible defendants, their reports have been on time for the accelerated calendars.
2. Defendants must plead guilty by Monday in order to be sentenced on Friday of the same week. Previously, the cut-off date was Tuesday. This change has provided the

DOC with an extra day to prepare the sentencing summary.

3. The DAD is now bringing inmates over to the Courthouse in two groups of three for the accelerated sentencing calendar rather than individually. Inmates are rotated in and out as sentencing is completed so there is no escort delay. Since the sentencings are scheduled for every 15 minutes it is more efficient to bring groups of inmates over to reduce the number of trips between the Jail and the Courthouse. This change ensures that the defendants are always in Court on-time.
4. A single point of contact has been designated in each of the agencies for the purpose of the accelerated sentencing program. Since the timeframe is so much shorter than for the regular calendar, it is very important that information is communicated as expediently and clearly as possible.
5. All cases meeting the criteria for accelerated sentencing are now automatically placed on the accelerated sentencing calendar. Previously, it was up to both attorneys and the Superior Court to request that a case be placed on the calendar. Either party may opt off the accelerated sentencing calendar; however, this option must be exercised at the time the guilty plea is entered.
6. The accelerated calendar is for in-custody defendants only (15% of the cases between January and April of 1993 were for out-of-custody defendants). The program began by placing both in and out-of-custody inmates on the calendar.
7. A new proposal is being implemented which would expand the calendars (if they are consistently full) by beginning the sentencings at 10:30 in the morning rather than in the afternoon. This proposal would allow the calendar to be expanded from 14 to 20 defendants for each judge.

#### Additional Benefits

Since the entire process has required increased coordination and communication between all parties involved, the agencies have been required to become more efficient and effective in coordinating and communicating information. This has helped both on the accelerated and regular calendars.

Historically in King County, judges have requested full PSIs on all felony cases. Since the sentencing summaries have been utilized successfully for accelerated sentencing eligible cases, there is the potential that sentencing summaries can also be used for certain cases on the regular calendar, thus helping to shorten that process as well.

#### Average Daily Population (ADP) Impact

The accelerated sentencing program's impact on the ADP has been increasing throughout 1993. The January, March, and May ADP impact has been 26.9, 34.8, and 46.6, respectively. This steady increase is mostly due to the changes which have been made in the program and the agencies increasing familiarity with the program. With the recent changes

and the additional resources being requested, it is hoped that the ADP impact will continue to increase throughout the remainder of 1993. This ADP impact dramatically demonstrates the benefit of this most cost-effective program at a time when the population continues to near capacity.

## Staffing Requirements

**Superior Court:** The Court was originally given funding for a half-time sentencing coordinator position for the first six months of 1993. The Court has been using extra help funds to extend this position to five hours a day; they are also using a work study student for two-and-a-half hours a day to assist with the calendar.

The continued growth of the calendar has justified the need for a full-time clerk to coordinate accelerated sentencing, be the major point of contact for the program, and to make additional program efficiencies. This is a very important point of contact for the entire program. If the Court does not have the staff to coordinate the calendar and communicate effectively with all of the agencies, the process will lose effectiveness.

This position verifies that the plea has been accepted; that the case meets the criteria for accelerated sentencing; schedules the attorneys on the calendar; notifies the DOC that sentencing summaries are needed; prepares and delivers the calendar to the Court, the prosecutor, the defender agencies, and the jail; and receives and handles calls, inquiries, or complaints relating to case processing so that there is little need for further referral to others.

**Prosecuting Attorney's Office:** This Office was given a Legal Office Assistant II as part of the 1993 Adopted Budget. This position coordinates cases, maintains records of sentencings, receives DOC sentencing summaries and files them in case files, coordinates sentencing dates with the Court, prepares sentencing documents, locates and routes files to the appropriate deputy prosecuting attorney, and assists with photocopying documents for the DOC and documents after sentencing.

There is a need for an additional clerk to work eight hours over the weekend photocopying and processing documents from Friday calendars so they can be filed with the clerk on Monday morning so warrants of transfer/commitments can be made earlier in the week, thus decreasing delays in transferring defendants to the DOC.

The current procedure is that the deputy prosecuting attorneys return files to paralegals on Friday afternoon after court. Then copies of the original judgement and sentences are made, appropriate documentation and filings are made, and the warrant of commitment is issued. Due to the heavy volume of document processing and competing photocopy demands, the paralegals are often unable to process documents until the middle of the following week, thus delaying defendant transfers.

**Public Defense:** Public Defense was not provided with additional funds for the accelerated sentencing program as part of the 1993 budget even though they represent over 90% of the defendants on the accelerated sentencing calendar. There are currently five calendars on Friday afternoon: case setting, pleas, Sentencing Reform Act, regular sentencing, and

accelerated sentencing. Public Defense must cover all of these calendars. Although the Court tries to coordinate the scheduling of attorneys so they are not scheduled to be in two places at the same time, double booking does occur. A paralegal is needed to spot scheduling problems ahead of time and to coordinate with Superior Court on the scheduling of public defense attorneys. Since three of the four defense agencies account for 82% of the cases on the accelerated sentencing calendar, there is a need for only those three agencies at this time.

This position would also follow up on information regarding the client, ensure that the necessary documentation is in the file, and confirm the restitution amount. Although this information is required regardless of when the defendant is sentenced, extra support is needed because the time to gather the information (the interval between plea and sentencing) has been shortened from five weeks to one week.

## Program Summary

The accelerated sentencing program holds great promise for reducing the growth in the pre-sentence population in the Jail. The pre-sentence felon population for 1993 (44.5%) has already begun to decrease from 1992 levels (45.1%). Program efficiencies and improvements will continue to be worked on and the ADP impact should continue to grow during the remainder of the year.

The accelerated sentencing program is one of the last in-house population management options which has been analyzed to be cost-effective in reducing the ADP. It should be fully developed and implemented prior to seeking more expensive alternative capacity options.

The Executive will continue to monitor the effectiveness of the program and will submit a more detailed evaluation as required by a proviso in the 1993 King County Adopted Budget.