



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**August 8, 2011**

**Ordinance 17148**

**Proposed No. 2011-0205.2**

**Sponsors Ferguson and Hague**

1 AN ORDINANCE establishing interim conditions of  
2 eligibility for the use of pretrial alternatives to detention;  
3 and amending Ordinance 12432, Section 2, as amended,  
4 and K.C.C. 2.16.120 and Ordinance 14561, Section 9, and  
5 K.C.C. 2.16.122.

6 STATEMENT OF FACTS:

7 A. The King County department of adult and juvenile detention, through  
8 its community corrections division, operates a series of alternatives to  
9 incarceration for pretrial defendants and sentenced offenders, including  
10 work education release, electronic home detention and day reporting  
11 programs through the community center for alternative programs.

12 B. To participate in the alternatives to detention provided by the  
13 community corrections division, a defendant must be ordered to the  
14 program by the court and must be statutorily eligible for the program.

15 Washington state law governs eligibility for post conviction participants  
16 and prohibits the use of these programs for individuals serving sentences  
17 following conviction of a violent or sex crime. There are currently no  
18 eligibility conditions for pretrial defendants.

19 C. In 2010, the King County council adopted Ordinance 16953, signed by  
20 the executive, that directed the creation of a pretrial risk assessment tool  
21 that will use objective criteria and actuarial calculations to assess the risk  
22 that a defendant will fail to appear before the court or will reoffend while  
23 awaiting trial, presenting a danger to public safety.

24 D. A risk assessment tool will aid the superior and district courts in  
25 making pretrial release decisions and will uniformly assess risk across all  
26 defendants, reducing the potential for high risk offenders to be released  
27 into the community through alternatives to detention programs, posing a  
28 danger to public safety. The tool will also reduce the potential of low risk  
29 offenders serving time in secure detention, resulting in additional taxpayer  
30 expense.

31 E. Until a risk assessment tool is implemented, it is in the interest of the  
32 county to further promote public safety by establishing interim eligibility  
33 conditions on the use of alternatives to detention to limit the use of these  
34 by the highest risk defendants.

35 F. The Washington state Administrative Office of the Court has issued a  
36 domestic violence manual for judges that states:

- 37 1. The lethal potential of domestic violence is well documented;
- 38 2. Studies also show that domestic violence tends to escalate in frequency  
39 and severity over time;
- 40 3. Research also suggests that domestic violence tends to escalate when  
41 the victim leaves the relationship; and

42 4. The victim is especially vulnerable to retaliation or threats by the  
43 defendant during the pretrial period.

44 G. It is in the interest of the county to further promote public safety by  
45 establishing interim eligibility conditions on the use of alternatives to  
46 detention to limit the use of these alternatives by serious domestic  
47 violence offenders until a risk assessment tool is implemented.

48 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

49 SECTION 1. Ordinance 12432, Section 2, as amended, and K.C.C. 2.16.120 are  
50 each hereby amended to read as follows:

51 A.1. The department of adult and juvenile detention is responsible to manage and  
52 be fiscally accountable for the Seattle division, the Kent division, the juvenile division,  
53 the community corrections division and the administrative services division, each of  
54 which shall have equal standing within the department. Through the Seattle division and  
55 the Kent division, the department shall operate the King County adult correctional facility  
56 and the security operation of the work and education release unit in Seattle and the  
57 Regional Justice Center adult correctional facility in Kent. Through the juvenile division,  
58 the department shall operate the county's juvenile detention facility. Through the  
59 community corrections division the department shall administer programs that provide  
60 alternatives to confinement in the adult correctional facilities, as well as services and  
61 support functions directed toward reduction of the adult correctional facilities'  
62 populations. Through the administrative services division, the department shall  
63 administer personnel operation, budget and fiscal operations and other central support  
64 services for the department. In addition, the administrative services division shall be

65 responsible for the administration and monitoring of jail health expenditures and services  
66 through a jail health levels of service agreement and contract with its health services  
67 contractor. The division shall monitor the provision of health care services and is  
68 responsible for ensuring that minimum inmate health care needs are met and monitoring  
69 the cost-containment provisions for both operational and health care related costs.

70           2. The judges of the superior court have final authority for approval of all  
71 screening criteria for admission to the juvenile detention facility and alternatives to  
72 confinement in the juvenile detention facility. The department shall implement such  
73 criteria approved by the superior court related to the juvenile detention facility. The  
74 department shall implement the criteria approved by the superior and district courts  
75 related to adult detention facilities and alternatives to confinement, subject to the  
76 eligibility conditions in subsections E. and F. of this section.

77           B. The duties of the Seattle division and the Kent division shall include the  
78 following:

79           1. House adult persons who are any combination of arrested for, charged for or  
80 held on investigation of a criminal offense;

81           2. House adult persons during trial, and before sentencing after conviction;

82           3. House adult persons serving sentences not exceeding one year;

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

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

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

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

92           8. Provide health care to confined or committed adult persons in conjunction  
93 with the Seattle-King County department of public health, including medical, dental and  
94 psychiatric care;

95           9. Provide social services to and for confined or committed adult persons,  
96 including, but not limited to; the following: classifying those persons; evaluating  
97 mentally ill or developmentally disabled confined or committed persons, including  
98 referral to available community programs; reviewing those persons with psychiatric  
99 problems; reviewing other special population groups; providing general population group  
100 management; and providing outside agency access to those persons including special  
101 visitation, library, recreational and educational services; and

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

104           C. The principle function of the juvenile division is to operate the county's  
105 juvenile detention facility in a safe, secure and humane manner as prescribed by state law  
106 and court rules. The juvenile division shall administer alternatives to secure detention as  
107 approved by the court, a school program, a health program and other related programs.  
108 The juvenile division shall be operated in a manner that will give reasonable access to the  
109 defense bar, juvenile probation counselors and social service providers and educators,  
110 consistent with appropriate security measures and public safety.

111 D. The duties of the administrative services division shall include administering  
112 personnel operations, budget and fiscal operations and other central support services  
113 involving all divisions in the department to ensure consistency and efficiency of  
114 operations. The department's director (~~((of))~~) of the administrative services division shall  
115 oversee these operations and services, and the operations and services shall conform to  
116 county policies and procedures and to department guidelines and practices.

117 E. An individual is not eligible for the pretrial alternative to adult detention  
118 entitled community corrections alternative program basic if the individual is charged with  
119 a violent offense or sex offense and has one or more convictions of a violent offense or  
120 sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged  
121 offense.

122 F. An individual is not eligible for the pretrial alternative to adult detention  
123 entitled community corrections alternative program basic if the individual is charged with  
124 a domestic violence felony offense and has one or more convictions of a domestic  
125 violence felony offense, as defined in RCW 9.94A.525, in the ten years before the date of  
126 the charged offense.

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

129 A. The community corrections division is established as a subordinate  
130 administrative office under (~~((King County Charter))~~) Section 350.10 of the King County  
131 Charter. The division manager shall be subject to (~~((the provisions of King County~~  
132 ~~Charter))~~) Section 340 of the King County Charter, requiring that the appointed division

133 manager be subject to council confirmation. The department shall provide  
134 administration, analytic and other support to the division.

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

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

140 2. Assessment of the needs of adult persons place in alternatives to detention;  
141 and

142 3. Contracting with private nonprofit community agencies to provide services  
143 for relicensing offenders.

144 C. An individual is not eligible for the pretrial alternative to adult detention  
145 entitled community corrections alternative program basic if the individual is charged with  
146 a violent offense or sex offense and has one or more convictions of a violent offense or  
147 sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged  
148 offense.

149 D. An individual is not eligible for the pretrial alternative to adult detention  
150 entitled community corrections alternative program basic if the individual is charged with  
151 a domestic violence felony offense and has one or more convictions of a domestic  
152 violence felony offense, as defined in RCW 9.94A.525, in the ten years before the date of  
153 the charged offense.

154 SECTION 3. A. It is expected that the public benefit of the interim eligibility  
155 conditions on the use of pretrial alternatives to adult detention will be superseded by the

156 approval and use of a validated pretrial risk assessment tool by the courts. As such, the  
157 conditions established in sections 1 and 2 of this ordinance expire sixty days following  
158 the acceptance by motion of the report required in Ordinance 16953, Section 3 that  
159 describes the implementation and use of the tool.

160       SECTION 4. In conjunction with the development of a risk assessment tool, the  
161 pretrial risk assessment work group shall perform a comprehensive, holistic review of the  
162 county's pretrial release, pretrial diversion and therapeutic court programs and practices  
163 to determine any disproportionate impacts on racial, ethnic or other minorities. The  
164 review shall include, but not be limited to, personal recognizance, felony administrative  
165 release on recognizance, release on bail, drug court, mental health court, family treatment  
166 court and alternative to detention programs. The work group shall submit its findings to  
167 the council and executive in the form of a report to be submitted in conjunction with the

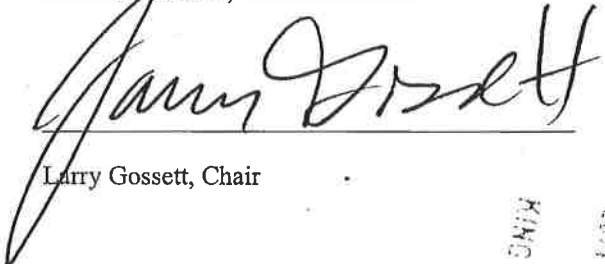


168 report that describes the implementation and use of the tool for the first six months after  
169 validation as required in Ordinance 169543.  
170

Ordinance 17148 was introduced on 4/25/2011 and passed as amended by the Metropolitan King County Council on 7/25/2011, by the following vote:

Yes: 7 - Mr. Phillips, Mr. von Reichbauer, Ms. Hague, Ms. Patterson, Mr. Ferguson, Mr. Dunn and Mr. McDermott  
No: 2 - Mr. Gossett and Ms. Lambert  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

DEEMED ENACTED WITHOUT  
COUNTY EXECUTIVE'S SIGNATURE.  
DATED: August 5, 2011

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

DEEMED ENACTED WITHOUT  
COUNTY EXECUTIVE'S SIGNATURE  
DATED: \_\_\_\_\_

Dow Constantine, County Executive

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KING COUNTY COUNCIL  
CLERK

Attachments: None