



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 6, 2012

Ordinance 17456

Proposed No. 2012-0397.2

Sponsors McDermott

1 AN ORDINANCE relating to the use of work crew for
2 misdemeanant arrestees in the prosecuting attorney's office
3 prefiling diversion program; and amending Ordinance
4 12432, Section 2, as amended, and K.C.C. 2.16.120 and
5 Ordinance 14561, Section 9, as amended, and K.C.C.
6 2.16.122.

7 **STATEMENT OF FACTS:**

- 8 1. The department of adult and juvenile detention, through its community
9 corrections division, operates a series of alternatives to incarceration for
10 pretrial defendants and sentenced offenders, including work and education
11 release, electronic home detention, day reporting and work crew.
- 12 2. Currently, 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; statutorily eligible for the program; and satisfy
15 program requirements.
- 16 3. The prosecuting attorney's office has developed a prefiling diversion
17 program for persons arrested for the following misdemeanor offenses:
18 possession of less than forty grams of marijuana (RCW 69.50.4014);
19 minor in possession of alcohol (RCW 66.44.270); possession of drug

20 paraphernalia (RCW 69.50.412); and unlawful bus or transit conduct
21 (RCW 9.91.025, K.C.C. 28.96.010). As part of this diversion program,
22 persons arrested for certain misdemeanor offenses would, in the sole
23 discretion of the prosecutor's office, be provided an opportunity to avoid
24 having criminal charges filed against them. The prosecutor's office would
25 agree not to file criminal charges against the arrestee in exchange for the
26 arrestee's agreement to serve on a work crew run by the community
27 corrections division of the department of adult and juvenile detention. The
28 community corrections division would send status updates to the
29 prosecutor's office until the arrestee's work crew obligation is fulfilled.
30 After completion, the charges will be declined. Failure to complete work
31 crew service within a specified period would result in charges being filed.

32 4. While recognizing the inherent discretion of the prosecutor's office to
33 make filing decisions, the council is committed to promoting justice and
34 safety, as articulated in the King County Strategic Plan, by keeping people
35 safe in their homes and communities. As the policy making body for King
36 County, the council is authorizing the use of the community corrections
37 division's work crew program for pre-filing diversion with the
38 understanding that, in general, the persons participating will be first-time
39 or low-level offenders who would otherwise be exclusively charged with
40 one of the misdemeanors listed.

41 5. Implementation of this diversion program is appropriate given the
42 nature of the crimes involved and will create efficiencies for the

43 prosecutor's office, the district court, the office of the public defender and
44 the department of adult and juvenile detention.

45 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

65 responsible for ensuring that minimum inmate health care needs are met and monitoring
66 the cost-containment provisions for both operational and health care related costs.

67 2. The judges of the superior court have final authority for approval of all
68 screening criteria for admission to the juvenile detention facility and alternatives to
69 confinement in the juvenile detention facility. The department shall implement such
70 criteria approved by the superior court related to the juvenile detention facility. The
71 department shall implement the criteria approved by the superior and district courts
72 related to adult detention facilities and alternatives to confinement, subject to the
73 eligibility conditions in subsections E. and F. of this section. The department may also
74 accept, from the prosecuting attorney's prefiling diversion program, persons arrested for
75 the following misdemeanor offenses for placement on work crews: possession of less
76 than forty grams of marijuana (RCW 69.50.4014); minor in possession of alcohol (RCW
77 66.44.270); possession of drug paraphernalia (RCW 69.50.412); and unlawful bus or
78 transit conduct (RCW 9.91.025, K.C.C. 28.96.010).

79 B. The duties of the Seattle division and the Kent division shall include the
80 following:

- 81 1. House adult persons who are any combination of arrested for, charged for or
82 held on investigation of a criminal offense;
- 83 2. House adult persons during trial, and before sentencing after conviction;
- 84 3. House adult persons serving sentences not exceeding one year;
- 85 4. Maintain records and process and identify property of persons confined or
86 committed to correctional facilities operated by the division;

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

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

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

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

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

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

106 C. The principle function of the juvenile division is to operate the county's
107 juvenile detention facility in a safe, secure and humane manner as prescribed by state law
108 and court rules. The juvenile division shall administer alternatives to secure detention as
109 approved by the court, a school program, a health program and other related programs.

110 The juvenile division shall be operated in a manner that will give reasonable access to the
111 defense bar, juvenile probation counselors and social service providers and educators,
112 consistent with appropriate security measures and public safety.

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

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

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

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

131 A. The community corrections division is established as a subordinate
132 administrative office under Section 350.10 of the King County Charter. The division

133 manager shall be subject to Section 340 of the King County Charter, requiring that the
134 appointed division manager be subject to council confirmation. The department shall
135 provide administration, analytic and other support to the division.

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

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

141 2. Assessment of the needs of adult persons placed in alternatives to detention;
142 ((and))

143 3. Contracting with private nonprofit community agencies to provide services
144 for relicensing offenders; and

145 4. Accepting, from the prosecuting attorney's prefiling diversion program,
146 persons arrested for the following misdemeanor offenses for placement on work crews,
147 provided that the division considers such placement to be appropriate in light of the
148 capacity of the work crew program and admission criteria developed by the division in
149 conjunction with the prosecuting attorney's office: possession of less than forty grams of
150 marijuana (RCW 69.50.4014); minor in possession of alcohol (RCW 66.44.270);
151 possession of drug paraphernalia (RCW 69.50.412); and unlawful bus or transit conduct
152 (RCW 9.91.025, K.C.C. 28.96.010).

153 C. An individual is not eligible for the pretrial alternative to adult detention
154 entitled community corrections alternative program basic if the individual is charged with
155 a violent offense or sex offense and has one or more convictions of a violent offense or

156 sex offense, as defined in RCW 9.94A.030, in the ten years before the date of the charged
157 offense.

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

163 SECTION 3. The prosecuting attorney's office shall file, by January 31, 2013, a
164 paper original and an electronic copy of a report with the clerk of the council, who shall
165 retain the original and provide an electronic copy to all councilmembers and the lead staff
166 for the law, justice, health and human services committee or its successor, detailing the

167 admission criteria developed by the division in conjunction with the prosecuting
168 attorney's office.
169

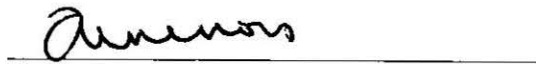
Ordinance 17456 was introduced on 10/1/2012 and passed by the Metropolitan King
County Council on 11/5/2012, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

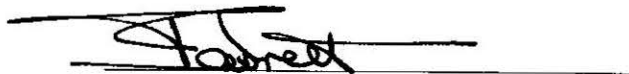
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 16 day of November, 2012.


Dow Constantine, County Executive

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KING COUNTY COUNCIL

Attachments: None