



Signature Report

Motion 15484

Proposed No. 2019-0240.2

Sponsors Balducci

1 A MOTION acknowledging receipt of a report detailing
2 how program performance and participant outcomes in the
3 community center for alternative programs will be
4 measured, in compliance with Ordinance 18835, Section
5 52, Proviso P6.

6 WHEREAS, the 2019-2020 Biennial Budget Ordinance, Ordinance 18835,
7 Section 52, Proviso P6, requires the executive to transmit a report detailing how program
8 performance and participant outcomes in the community center for alternative programs
9 in compliance will be measured, and a motion acknowledging receipt of the plan, and

10 WHEREAS, Ordinance 18835, Section 52, Proviso P6, provides that \$250,000
11 shall not be expended or encumbered until the motion acknowledging receipt of the plan
12 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 receipt of the report detailing how program performance and participant
16 outcomes in the community center for alternative programs in compliance will be

17 measured, which is Attachment A to this motion, is hereby acknowledged in accordance
18 with Ordinance 18835, Section 52, Proviso P6.

19

Motion 15484 was introduced on 6/12/2019 and passed by the Metropolitan King
County Council on 8/21/2019, 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



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

Attachments: A. DAJD Report Detailing Program Performance and Participant Outcomes in the
Community Center for Alternative Programs Will be Measured

Attachment A

**DAJD-Motion Acknowledging Receipt of a Report
Detailing How Program Performance and
Participant Outcomes in the Community Center for
Alternative Programs Will be Measured, in
Compliance with Ordinance 18835, Section 52,
Proviso P6.**

June 1, 2019

Introduction

In response to Ordinance 18835, Section 52, Proviso 6, the Department of Adult and Juvenile Detention (DAJD) submits the following report detailing how program performance and participant outcomes in the Community Center for Alternative Programs will be measured. The specific proviso language is as follows:

P6 PROVIDED FURTHER THAT:

Of this appropriation, \$250,000 shall not be expended or encumbered until the executive transmits a report showing how the department of adult and juvenile detention will measure program performance and participant outcomes in the community center for alternative programs ("the CCAP") and a motion that should acknowledge receipt of the plan and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion, and a motion acknowledging receipt of the plan is passed by the council.

The department of adult and juvenile detention's report shall include, but not be limited to:

A. A description of the metrics that the department will use to measure program performance and participant outcomes, to include, but not be limited to:

- 1. Measures of client participation, including monitoring initial participation, continued participation in the project through case resolution, and reductions in the number of client failure to appear, the number of instances of client failure to comply and the number of warrants issued to program clients;*
- 2. Measures of pretrial recidivism; including new arrests, new criminal referrals, or new charges filed for program participants;*
- 3. Measures of the program's impact on the time to resolve participant cases;*
- 4. Measures of cost effectiveness, to include the program cost per participant and the cost for unsuccessful participants as measured by law enforcement, court and jail costs, and the evaluation of potential avoided system costs for successful participants;*
- 5. Measures of how the community center for alternatives programs are integrated or coordinated with other criminal justice diversion and service programs, such as existing community corrections programs, the Law Enforcement Assisted Diversion program, therapeutic courts and other programs funded by the mental illness and drug dependency tax or the veterans, seniors and human services levy; and*
- 6. Measures showing how the CCAP utilization of service providers for the program maximize and leverage funding with other King County diversion programming.*

The executive should file the report and a motion required by this proviso by June 1, 2019, 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 and the lead staff for the budget and fiscal management committee, or its successor.

Background

The Community Corrections Division (CCD) within the Department of Adult and Juvenile Detention (DAJD) operates several programs designed as alternatives to secure detention for pretrial and sentenced individuals. The largest of these is the Community Center for Alternative Programs (CCAP), which was budgeted at \$3.8 million in 2019-2020. CCAP includes two distinct programs, CCAP Enhanced and CCAP Basic. Clients are ordered to CCAP by the courts and are typically pre-trial, although individuals may also be ordered to CCAP as part of a sentence.

CCAP Basic – Participants assigned to CCAP Basic meet with a caseworker initially and may be referred to services at that time. However, following their initial assessment, individuals' only legal obligation is to phone in once per day for the duration of their period in CCAP Basic. CCAP Basic has a budgeted capacity of 75 individuals.

CCAP Enhanced – CCAP Enhanced caseworkers conduct the needs assessment portion of the King County Personal Recognizance interview Needs Screen (PRINS) of clients at intake and hold participants accountable to a weekly schedule of structured services appropriate to their identified needs. The services offered through CCAP Enhanced are designed to assist offenders in changing the behaviors that have contributed to their being charged with a crime. CCAP Enhanced 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.

Because of the very limited scope of the CCAP Basic program, the remainder of this report focuses on CCAP Enhanced, and all subsequent references to "CCAP" can be assumed to refer to CCAP Enhanced.

1. Measures of Client Participation

The ability to measure clients' CCAP participation is limited by the minimal reporting capability of ComCor, CCD's data system. Client participation and attendance data, for example, is recorded on paper sign-in sheets and is not tracked in ComCor or any other reporting system. This means that tracking client participation would require manually reviewing daily sign-in sheets and comparing these to individual clients' schedules as recorded in ComCor case notes.

The new jail management system (JMS) currently in development will include individual-level attendance data and enable improved reporting on client participation and outcomes. As the new JMS will include persons in both Secure Detention and in Community Corrections Division programs, DAJD will have a stronger ability to measure and track a participant across all areas of correctional supervision. The full design specifications are not yet finalized, but the system is capable of tracking individual program attendance and storing that to the participant record. More importantly, DAJD will be able to track the participant's programming progress while in custody and then continue it after transfer to a less restrictive alternative, such as CCAP Enhanced.

Initial Participation

When participants fail to show up at initial orientation or other scheduled activities or violate other conditions of conduct, CCAP caseworkers issue a notice of violation (NOV) to the court. NOV's are recorded in ComCor and include codes showing the reason the notice was issued – for example failure to report to initial orientation, absence from scheduled programming, positive urinalysis, or other

conditions of conduct violation. CCD is able to report the number of NOV's that are written every month for individuals who do not appear for CCAP orientation. CCD does not currently report on initial participation, but this can be inferred from the count of participants who were issued an NOV for failure to report to orientation.

Continued Participation in the Project through Case Resolution

A majority of CCAP participants are ordered to CCAP pretrial as a condition of release, and in many cases, their court-ordered participation in CCAP may end prior to the resolution of their court case. CCD does not have mechanisms in place to follow participants once they leave CCAP programming, either due to completion of their court order or violation of conditions of conduct. This is further complicated by the fact that CCAP clients may have more than one case ongoing during their period of participation in CCAP. Tracking CCAP clients during the period between the end of their participation in CCAP and the resolution of their court case would require providing the Department of Judicial Administration (DJA) or the prosecutor with a list of names and case numbers to review their status.

Reductions in the Number of Client Failure to Appear

For clarification, failure to appear (FTA) is interpreted as failure to appear at court hearings, not CCAP. Whether being ordered to CCAP reduces FTA warrants requires a count of the number of FTAs issued after defendants are ordered to CCAP. Such a count would not, however, be sufficient to know whether the defendants would have had fewer FTAs had they not been ordered to CCAP. One way to answer this question is by comparing FTAs of defendants ordered to CCAP with FTAs of defendants not ordered to CCAP. Such a comparison is only valid if the two groups have the same characteristics that matter for attending court hearings. For example, if the comparison group has easy access to transportation, but the CCAP group does not, one would not expect their FTAs to be the same.

Currently, the only available comparison groups are defendants ordered released on personal recognizance (PR) or defendants released after paying bail. Both would be flawed comparison groups as the court decision to order defendants to PR, Bail, or CCAP is, presumably, based on the characteristics of defendants, which are likely to differ in ways that impacts their failure to appear at court hearings. Thus, a comparison of the FTA rates for the three groups would not address whether being ordered to CCAP reduces FTAs.

The Number of Instances of Client Failure to Comply and the Number of Warrants Issued to Program Clients

Participants sign a CCAP Conditions of Conduct order in court that is then forwarded to the CCAP program. The Conditions of Conduct order governs participant behavior while in the program and addresses behavior expectations, random urinalysis, attendance, and the possibility of incarceration if the conditions are violated. When a participant violates their Conditions of Conduct order, CCD sends a NOV to court, and the participant file is considered "Closed-non compliant." The number of NOV's and occurrences of Closed-non compliant cases are tracked monthly in ComCor. However, CCD is not notified about whether the NOV results in a warrant issued by the Court. Determining whether NOV's sent to the Court and prosecutor result in warrants would require CCD sending a list of names and case numbers to the prosecutor, which would review the cases to determine whether the NOV resulted in a warrant.

2. Measures of Pretrial Recidivism

The typical measure of recidivism – conviction on a new offense committed within three years of placement in the community – is not practical to use as a measure in the limited time period provided pretrial. A new charge is a more appropriate measure of recidivism for CCAP clients because it can readily occur pretrial, it requires that law enforcement refer criminal charges to a prosecuting agency (County Prosecutor’s Office, City Attorney’s Office, or Attorney General’s Office), that the prosecuting agency determine that charges are legally appropriate, and that the appropriate Court must find probable cause. New arrests and criminal referrals only require law enforcement action and, in some cases, criminal referrals are made because they are required by statute, not because law enforcement is requesting the filing of charges.

Regardless of the specific definition of recidivism used, to conduct an accurate measure of pretrial recidivism for CCAP participants, data from multiple independent sources will need to be linked together. Currently, Court, CCAP, DAJD, King County Prosecuting Attorney’s Office (PAO), and statewide criminal history information are all stored in separate databases. To link the data, lists of names and identifying information would have to be created and then matched to the different data stored in each system. This process is cumbersome and complicated by the fact that each system stores data about people in different ways, often using different names, and many data points are open text fields that are extremely susceptible to error. Conducting the necessary linkage for even a few hundred individuals at a single point in time could take months of work. Linking some or all of those databases is a substantial project that would need to be completed if regular, continuing, and accurate reporting is desired.

The linkage issues are exacerbated if arrests or referrals are used as a measure of pretrial recidivism. Arrest data is held separately by each law enforcement agency to different degrees and often in different formats. In order to obtain that information agreements would have to be reached with each individual agency. Similarly, referral information is held separately by each prosecuting agency. Thus, using arrests and/or referrals as a measure of pretrial recidivism greatly increases the difficulty and complexity of the required data linkage. Some very limited referral and arrest data might be obtainable from the King County PAO and DAJD, respectively, however, that data would present an incomplete picture, as they would not have data from any of the other regional prosecuting agencies or jails, and risk compromising the quality of any analysis. As a result, new charges are currently the best and most practical measure of recidivism for CCAP clients.

3. Measures of the Program's Impact on the Time to Resolve Participant Cases

Time to resolution is a standard measurement used by courts to judge their own performance against time standards and to assess things like costs per case. Time to resolution is measured from the case filing date to the date of trial/plea/dismissal. If a defendant does not appear for court and a warrant is issued, the time that the case is in warrant status is deducted from the time to resolution measurement, as the court has no control over a defendant in warrant status. The same is true for anytime the case is in appeal status or stay status for any reason.

There is no known relationship between CCAP participation and time to resolution of a case. Since time in warrant status is deducted when counting time to resolution, a defendant’s participation in CCAP

likely does not influence time to resolution even if CCAP participants are less likely to receive a warrant prior to trial than non-participants. A person who fails to appear at CCAP and gets a warrant, or who appears as ordered to CCAP, may have the exact same time measurement to resolution.

Including the time on warrant status in the time to resolution count would bring with it many other issues associated with using this as a measure. Failures to appear and the subsequent warrant issuance happen for many reasons. Reasons for failure to appear are not tracked in the data and in fact are usually not part of the court record. Participation in CCAP does not preclude the many reasons defendants fail to appear for court. So counting warrant status time in time to resolution for the CCAP defendants' cases and comparing it to non-CCAP defendants would require hand review of records in these cases to determine the relationship between the reasons behind the failure to appear, to ascertain whether there is a link to CCAP participation. As mentioned earlier, it is likely that the reason is not part of the record.

4. Measures of Cost Effectiveness

To fully assess CCAP cost effectiveness would require an impact evaluation, which would require significant additional cost and time resources, and would likely necessitate engaging an outside researcher.

Program Cost per Participant

DAJD will calculate CCAP cost per participant by taking the 2018 expenditures for the CCAP cost center along with a weighted portion of CCD and DAJD overhead and dividing by the Average Daily Enrollment (ADE) times the number of days in the period. This will provide the cost of one enrollment day per participant during the period. To get the total cost of the program per participant, this number would be multiplied by the average length of stay for the period, which is available in ComCor. DAJD plans to calculate cost per participant in this way as part of the cost-per-unit measures that DAJD will be reporting to the Executive Office.

Cost for Unsuccessful Participants

Tracking unsuccessful CCAP participants' post-withdrawal interactions with law enforcement, courts, and jail would require accessing data from multiple law enforcement agencies, prosecuting agencies, courts, and DAJD. Data from these independent criminal justice agencies are not linked and are often stored in different formats, so finding withdrawn CCAP participants' criminal justice system costs would first require looking up lists of names and cases in each agency's system in a cumbersome and error-prone process. The next step would require working with these agencies to estimate the cost of their interactions with the unsuccessful CCAP participants identified in the first step. Finally, even if this cost information could be estimated, it would be impossible to say whether or not the criminal justice system costs for these individuals would have been different had they completed CCAP successfully in the absence of a scientifically valid control group and rigorous evaluation methods.

Potential Avoided System Costs for Successful Participants

Like criminal justice system costs for unsuccessful participants, the avoided system costs for successful participants would be impossible to measure with any degree of certainty absent a rigorous, multi-year, full-scale impact evaluation with a scientifically valid control group. Were such an evaluation to occur,

the avoided system costs would be the difference between criminal justice system costs for successful CCAP participants and those for the control group, assuming the latter were higher.

5. Measures of How the Community Center for Alternative Programs Are Integrated or Coordinated with Other Criminal Justice Diversion and Service Programs

CCAP receives MIDD funding for two caseworkers, and mental health services are provided by Asian Counseling and Referral Service, partially funded by MIDD Initiative RR-02 for appropriate CCAP participants who are not Medicaid enrolled. CCAP is not formally integrated with any other criminal justice diversion nor service programs. However, there is some participant overlap in programming. CCD Caseworkers and LEAD caseworkers share information to better serve participants in both programs. Therapeutic court defendants are also occasionally assigned to CCAP, but this is quite infrequent. In 2018, CCAP received three participants from therapeutic courts.

6. Measures showing how the CCAP utilization of service providers for the program maximize and leverage funding with other King County diversion programming

CCAP currently works with nine service providers that provide just under 130 hours of programming each week. Four of the nine current providers are contracted for their services, and the other five provide service on a voluntary basis. The volunteer providers account for 53 hours of service per week. In the past four years, CCAP has lost three volunteer vendors, most stating inability to continue to provide services to CCAP clients without compensation. CCD is not aware of whether these vendors also provide service to other King County diversion programs.

CCAP Service Providers

Vendor	Funding Source	Service(s) Provided	Vendor Hours Per Week	Avg % of Participants Seen in 2018 (June-Dec)*
Washington Department of Social and Human Services	King County Behavioral Health and Recovery Division (BHRD)	Electronic Benefits Transfer & Medicaid enrollment	36	58%
Public Health - Seattle & King County	BHRD	Smoking cessation	1	10%
Asian Counseling and Referral Services	BHRD & Mental Illness and Drug Dependency Fund (MIDD)	Mental health and substance use disorder (SUD) services	16.5	51%
South Seattle College	DAJD and MIDD	Moral Reconciliation Therapy, Stop the Turnstile, and GED classes	52	82%

Union Gospel Mission	Voluntary	Life skills class, clothing, food	6	49%
Center for Multicultural Health	Voluntary	HIV, blood pressure, and hepatitis testing	2	9%
Neighborhood House	Voluntary	HIV and blood pressure testing, other medical testing	6	8%
Valley Cities	Voluntary	Suboxone provider, wrap around services, SUD treatment	8	2%
Tzu Chi	Voluntary	Meditation class	1	1%

*Individual CCAP participants' assignment to services is documented on their paper schedules and is not stored in a reportable field in ComCor. To calculate the percentages shown here, CCAP periodically sends vendors a list of CCAP enrollees and asks them to identify the clients they have served.

Next Steps

As discussed above with reference to the individual items requested for measurement, much of CCAP's basic program data is stored in ComCor case notes fields and can only be retrieved by reviewing the records of an individual client. This includes assignment to specific services, class schedules, and basic outcome data related to the assigned services. Other program data such as attendance are retained only in paper files and are not stored in ComCor at all. CCAP's vendors also report very limited performance data as part of their contracts – for example, South Seattle College reports on how many clients took the GED exam, and Asian Counseling and Referral Services report on outputs for the Promoting Peace and Recovery pilot.

Much of this data, including attendance data and assignment to services, will be stored in reportable fields in JMS after it is implemented in late 2020. As program data accumulates in JMS, this will give CCD much greater ability to report performance measures to decision makers and enable PSB to conduct investment monitoring of CCD programs. In the meantime, DAJD plans to take the following actions to improve the quality of CCAP data and ensure that King County taxpayers are receiving a return on their investment in CCAP:

1. Identify data collection and reporting processes as part of JMS development and develop a written plan to ensure that CCAP will be able to generate performance measures desired by Council and the Executive once JMS goes live.
2. Amend CCD contracts to require quarterly performance-based output and outcome measures that detail the benefits and cost of services provided to CCAP participants.
3. Ensure that CCD adheres to evidence-based practices by conducting periodic quality and fidelity reviews to demonstrate that all CCD and contract services provided are delivered as designed and meet the threshold for fidelity assurance. This may require the use of external program review teams and tools.

4. Prior to JMS implementation, collect one quarter of client and program data in a side-system to track key program indicators including:
 - a. Number of individual court referrals and re-referrals by month
 - b. Specific service type and service hours provided to individuals
 - c. The number and percentage of individuals assigned to program/services based on their identified needs
 - d. The number of UAs administered, their individual results, and actions taken
 - e. The number of NOVs issued and the corresponding court actions
 - f. The number and percentage of individuals who fail to appear for initial CCAP intake
 - g. The number, percentage, and known outcomes for individuals who complete required CCAP interventions during a 90 day time frame.