

August 20, 1997  
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Introduced By: ROB MCKENNA  
CHRISTOPHER VANCE  
LARRY GOSSETT

Proposed No.: 97-538

ORDINANCE NO. **12885**

AN ORDINANCE making a supplemental appropriation of \$100,000 to Budget and Strategic Planning for the development of a King County Jail Felony Offender Study, and amending Ordinance 12538, Sections 14 and 44, as amended.

FINDINGS:

1. The average daily in-custody felon population at the King County Jail has grown from 1,156 in 1990 to 1,461 in 1997, an increase of 26+%, and felons represent more than 60% of total jail population on a daily basis.

2. Ordinance 12715 established King County incarceration cost recovery policy, and directed that the Office of Budget and Strategic Planning and Auditor's Office prepare a scope of work for an assessment of the felon population at the Jail.

3. Ordinance 12715 further directed that the proposed scope for the felony offender study be accompanied by a schedule and an appropriation ordinance funding the study.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There is hereby approved and adopted a supplemental appropriation of \$100,000 to budget and strategic planning for the development of a King County Jail Felony Offender Study from executive contingency.

SECTION 2. Ordinance 12538, Section 14, as amended, is hereby amended by adding thereto and inserting therein the following:

BUDGET & STRATEGIC PLANNING - From the Current Expense fund, there is hereby appropriated to:

Budget & Strategic Planning	\$100,000
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1 SECTION 3. Ordinance 12538, Section 44, as amended, is  
2 hereby amended by adding thereto and inserting therein the  
3 following:

4 EXECUTIVE CONTINGENCY - From the Current Expense fund,  
5 there is hereby disappropriated from:

6 Executive Contingency (\$100,000)

7 INTRODUCED AND READ for the first time this 15<sup>th</sup>  
8 day of September, 1997.

9 PASSED by a vote of 12 to 0 this 29<sup>th</sup> day of  
10 September, 1997.

11 KING COUNTY COUNCIL  
12 KING COUNTY, WASHINGTON

13 Jane Hogue  
14 Chair

15 ATTEST:

16 Zimmerman  
17 Clerk of the Council

18 APPROVED this 9 day of October, 1997.

19 Donald Amis  
20 King County Executive

21 Attachments: A. Proposed Scope Summary and Timeline for the  
22 King County Jail Felony Offender Study

# King County Jail Felony Offender Study

## SCOPE SUMMARY

### BACKGROUND

#### Jail Population Trends

In 1997, total monthly **bookings** to the King County Jail have increased by 7% over 1990 levels. The bookings peaked in 1995 at 4,937 and have dropped to 4,680 per month in 1997. In contrast to 1997 misdemeanor bookings which have declined to just above 1990 levels, **felony bookings (predominantly pre-sentenced felons) have increased by 18.5% since 1990.**

The Jail's **average daily population** has climbed steadily over the past 8½ years, up by 40% since 1990 (from 1,727 to 2,421). Misdemeanants have been the fastest growing segment of the jail's daily population increasing by 69% since 1990. However, the number of **felony offenders grew by 26% in the same period, and currently make up 60% of the average daily population (1,461 in June 1997).**

Finally, the computed overall **length of stay** at the Jail rose from nearly 12 days to 15.5 days between 1990 and 1997. The computed **length of stay for felony offenders increased by 5% over 1990 to 26.05 days in 1997**, compared to 9.6 days for misdemeanants.

#### Ordinance 12715 Requirements

Ordinance 12715 (adopted April 21, 1997) established an incarceration cost recovery policy for King County, and directed that a study of the pre- and post-trial felon population in the Jail be conducted that includes the court, prosecutor, and defender organizations.

Recognizing that a study of the misdemeanor jail population had been initiated in early 1996, the study was to recommend strategies which would reduce the Jail's population and associated costs for felony offenders. The scope of work was to include an assessment of the pre- and post-trial felon population, the nature of offenses resulting in jail time and issues which affect the size and length of stay. In addition, the length of time convicted felons remain in the Jail prior to transfer to State corrections facilities was to be evaluated.

### PROPOSED STUDY SUMMARY

The study as currently proposed is divided into five target areas and will be completed by a joint consultant and County staff effort.

#### 1. Profile/Trends

Office of Budget and Strategic Planning (OBSP) staff would take the lead in developing a profile of felony offenders based on trend data reported by the Department of Adult Detention (DAD), Washington Association of Sheriffs and Police Chiefs (WASPC), the Sentencing Guidelines Commission, Superior Court/Department of Judicial Administration, and others. Indicators such as bookings by crime type and jurisdiction, number and percentage of offenders in pre- and post-sentence alternative status, and average daily population (ADP) by race, gender, and age would be compiled to develop the profile.

## **2. Re-admissions and Impact of Failure to Appear (FTA) and Failure to Comply (FTC) on Bookings/Average Length of Stay (ALOS)**

Charges reported as "non-compliance" (which include violations of parole, probation, SRA, state work release, etc.) accounted for 16+% of all felony bookings in 1997 (the most frequent prime charge category after drug offenses). In 1996, non-compliance offenses were also reported by WASPC to represent 63% of felony jail sentences. This focus area would analyze the frequency and basis of re-admission, and effect on the Jail's population. "Non-compliance" offenses would be identified as to type (FTA, FTC), effect on length of stay (days re-imposed or added), and factors predictive of FTA and FTC, such as failure to meet legal financial obligations (LFOs).

## **3. Review of Pre- and Post-Sentence Custody Alternatives**

Based on a system review of the felony adjudication process, this area of the study would evaluate a selected subset of custody alternatives to total incarceration with the best potential for reducing Jail population. Analysis would include a determination of the impact of race/income on access to (and completion of) alternative programs, and a review of program models used in other jurisdictions.

## **4. Felony Case Analysis - Determination of Overstays**

This final area would conduct an analysis of felony cases to determine the percentage/frequency of felony cases in which the total jail stay exceeds the ordered sentence length. The analysis would isolate case characteristics which may distinguish reasons for overstays, including charge type, case disposition by plea or trial, and total time from booking/filing to disposition. The analysis would also determine the length of overstay using the case characteristics.

## **5. Review Timeliness of Prisoner Transfer to Washington Department of Corrections**

Adult Detention staff have completed a summary of the transfer process. Audit and OSBP staff will work with Adult Detention to document the length of time between sentencing and transport and identify any obstacles which should be addressed.

## **FUNDING, GOVERNANCE AND SCHEDULE**

Total funding is projected at \$100,000. The King County Office of Budget and Strategic Planning (OBSP) will be the lead agency for the study. An overview of scope alternatives was reviewed by the Regional Law, Safety and Justice Committee (RLSJC) at the July 31<sup>st</sup> meeting, and periodic briefings will be provided to the RLSJC.

A Felony Study Oversight Committee has been formed composed of representatives from the Superior Court, Department of Judicial Administration, Prosecuting Attorney, Office of Public Defense, Defender Agencies, Department of Adult Detention, Council Staff, OBSP, and Auditor's Office. (See page 3 for a list of agency representatives.)

The Oversight Committee will develop a final study scope. The proposed timeline, which assumes Council adoption of the appropriation ordinance by October 1<sup>st</sup>, results in an RFP issued in mid-October, a consultant start date of January 5, 1998, and a final report issued on July 1<sup>st</sup>. (See page 3 for the proposed study timeline.) Pursuant to Ordinance 12715, the methodology, conclusions, and recommendations presented in the draft study will be reviewed by the Auditor's Office prior to presentation to the Council.

## PROPOSED TIMELINE FOR FELON STUDY

- ◆ August 15, 1997: transmit study proposal and supplemental ordinance to Council
- ◆ September: Felon Study Oversight Committee (FSOC) develops and finalizes Consultant RFP
- ◆ October 1: Consultant RFP transmitted to Purchasing; allow 6 weeks for RFP process
- ◆ November 17: Purchasing sends RFP responses to OBSP/FSOC
- ◆ November 17 - November 26: FSOC reviews and ranks consultant responses
- ◆ December 1 - December 8: FSOC interviews top candidates; selects consultant
- ◆ December 9 - 19: FSOC works with consultant to finalize contract
- ◆ January 5, 1998: Consultant starts work
- ◆ March 1: Felon Profile completed by OBSP
- ◆ June 1: Consultant completes draft study; review by FSOC and Auditor's Office
- ◆ July 1: Study presented to Regional Law, Safety and Justice Committee and to Council

Note: The Regional Law, Safety, and Justice Committee will be provided periodic progress briefings on the study.

## FELONY STUDY OVERSIGHT COMMITTEE

Janice Niemi, Chief Criminal Judge - Superior Court

Arthur Wallenstein, Director - Adult Detention (Steve Thompson, Chief of Administration/Jim Harms, Program Analyst)

Jan Michels, Director - Judicial Administration (Paul Sherfey, Deputy Director - DJA)

Dan Satterberg, Chief of Staff - Prosecuting Attorney's Office

Brian Tsuchida, Supervisor, Felony Division - The Defender Association

James Crane, Administrator - Office of Public Defense (Marty Lindley, Assistant Administrator - OPD)

Catherine Hurd, Legislative Analyst - King County Council

Marty Wine, Budget Analyst - Budget and Strategic Planning

Catherine Cornwall, Senior Policy Analyst - Budget and Strategic Planning

Kristi Nelson, Principal Management Auditor - Auditor's Office

1 August 13, 1997

Introduced by: GREG NICKELS

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3 8/19/97 clerk

4 Proposed No.: 97-499

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8 ORDINANCE NO. **12886**

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10 AN ORDINANCE authorizing the King County  
11 executive to consent to the assignment of the  
12 leasehold and amendment of certain provisions  
13 of the lease for the South Lake Union Docksite  
14 property located in Council District Ten.

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16 PREAMBLE:

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18 In accordance with provisions of K.C.C. 4.56.075,  
19 4.56.180 and 4.56.190 the King County council may  
20 adopt an ordinance permitting the county to lease  
21 its real property for a term of years not to exceed  
22 fifty years for property used for commercial  
23 purposes requiring extensive improvements and which  
24 would substantially change the overall use of the  
25 leased property.

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27 STATEMENT OF FACTS:

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29 1. The South Lake Union Docksite is located on the  
30 Lake Union shoreline in Seattle at 1121 Fairview  
31 Avenue North. It consists of approximately  
32 103,000 square feet of both submerged and  
33 submerged and upland property.

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35 2. The property is held as investment property.  
36 The county first leased the property in 1984,  
37 through a proposal process to promote the  
38 development of small boat moorage and other  
39 services used by the public. Rusty Pelican  
40 Restaurants, Inc., was the successful proposer and  
41 its use of the property consisted of an open-  
42 moorage marina on the shoreline and a restaurant  
43 on the dry land.

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45 3. South Lake Union Limited Partnership (SLULP), a  
46 Washington limited partnership, is the successor in  
47 interest to Rusty Pelican, effective March 20,  
48 1990. SLULP in turn sub-leased the premises to  
49 Duke's restaurant. Both the original restaurant,