



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 23, 2002

Ordinance 14430

Proposed No. 2002-0251.2

Sponsors Gossett and Hague

1 AN ORDINANCE approving the Adult Justice Operational
2 Master Plan.

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5 PREAMBLE:

6 King County's criminal justice system, that includes law enforcement,

7 secure detention, prosecution, indigent defense, and adjudication of

8 criminal matters in superior and district courts, accounts for over two

9 thirds of the county's discretionary expenditures. While these

10 responsibilities are mandated by constitutional, statutory, and other

11 requirements, the county has a great deal of flexibility in establishing

12 levels of service. In recognition of the fact that increases in criminal

13 justice expenditures are outpacing the county's ability to pay for these

14 increases, the county council required the development of master plan for

15 the county's adult criminal justice system in hopes of duplicating the

16 successes of the juvenile justice master plan that reduced juvenile crime

17 and the need for new juvenile detention facilities. As a result, King

18 County's adult justice system has been engaged in an intensive effort to
19 explore alternative types of sanctions, identify justice system process
20 improvements that will reduce costs and make the best use of limited
21 detention resources in order to promote public safety and preserve jail
22 capacity for those offenders for whom jail is the only option and reduce
23 the use of secure detention in the county.

24 This effort is in accordance with K.C.C. 4.04.200, which provides that an
25 operational master plan set forth how an organization will address its
26 workload now and in the future.

27 Through Motion 11001, the King County council approved the work plan
28 for developing the Adult Justice Operational Master Plan.

29 The Adult Justice Operational Master Plan was directed by an advisory
30 committee made up of elected officials and agency heads from county
31 government, cities and state criminal justice agencies, and human and
32 community service providers.

33 The recommendations of the advisory committee to the executive that are
34 contained in the three project work group reports, the alternatives work
35 group, the felony work group, and the Misdemeanant work group, resulted
36 from the work of nearly one hundred participants representing local,
37 regional and state criminal justice and health and human services agencies.

38 The recommendations contained in the Adult Justice Operational Master
39 Plan Report titled King County Capacity Options: 2002 – 2010 represent

40 recommendations on King County detention capacity options from the
41 King County executive to the King County council.

42 Plans submitted for approval under K.C.C. 4.04.200 are generally
43 followed by subsequent planning documents for the development of
44 capital improvements. Each of these plans would also be subject to
45 council approval. In addition, the council required in the 2002 Budget
46 Ordinance that the district court develop plans that reduce jail utilization
47 for offenders adjudicated in these courts. The response and plan have
48 been included as part of this master plan and is included as an attachment.
49 These plans are submitted as Attachment A to this ordinance, and if
50 implemented, would improve system efficiencies, improve public safety,
51 avoid the need for new jail capacity and should lead to an overall
52 reduction in the need for secure detention.

53 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

54 SECTION 1. In accordance with K.C.C. 4.04.200, the Adult Justice Operational
55 Master Plan, Attachment A to this ordinance, dated May 2002, is hereby approved.

56 SECTION 2. The council ordains that, with the approval of the Adult Justice
57 Operational Master Plan, it is the policy of King County to establish standards for the use
58 of secure detention capacity, emphasize system and process efficiencies that reduce the
59 utilization of jail and reduce overall criminal justice expenditures, encourage alternatives
60 to the use the secure detention for adult offenders in order to make best use of limited
61 detention resources and preserve public safety, and to establish as a county policy the
62 requirement for the use of integrated and coordinated treatment of offenders whose

63 criminal activity is related to substance abuse or mental illness in order to avoid future
64 system costs, reduce jail utilization for these groups, and reduce future criminality.

65 SECTION 3. The county recognizes that the provision of secure detention for
66 felons and some misdemeanants is a county responsibility that is subject to federal and
67 state requirements. Nevertheless, the use of secure detention has not demonstrated
68 effectiveness in reducing recidivism except during the time that inmates are incapacitated
69 in jail. The Adult Justice Operational Master Plan does not identify any evidence that the
70 use of jail has decreased recidivism in King County. Instead, the plan shows evidence
71 shows that for certain offender groups recidivism is as high as 95 percent.

72 The council acknowledges that secure detention is effective for individuals who
73 are a flight risk and must be detained. Nevertheless, data indicates that the threat of jail
74 does not necessarily increase offender accountability when individuals have a history of
75 failing to appear for court appearances. Rather, other process changes have been shown
76 to be much more effective in reducing failure to appear rates. Consequently, the council
77 intends that secure detention be used for those whose history demonstrates that they
78 would flee the jurisdiction in order to avoid prosecution and not for those whose failure
79 to appear history can be addressed more effectively with other process changes.

80 The plan does show that the use of secure detention may be necessary for those
81 who have failed all other graduated sanctions and intermediary punishments.
82 Consequently, it is the intent of the council that secure detention should be used in
83 measured way to ensure compliance with other sanctions.

84 Federally sponsored research recommends as a best practice that counties
85 establish policy for the use of secure detention. King County's legislative authority has

86 not formally established a policy for the use of secure detention for adults, but has for
87 juveniles. Consequently, the council finds that as county policy, the county's secure jail
88 facilities should be used for:

89 A. Those individuals who can be objectively shown as posing a threat to public
90 safety if not detained in secure detention;

91 B. Those individuals who can be objectively shown as a flight risk from the
92 jurisdiction if not detained; and

93 C. Those offenders who have failed intermediary sanctions.

94 Therefore, the council requests that the county's criminal justice council prepare, and the
95 King County superior and district courts adopt, jail use criteria and procedures that limit
96 the use of the jail for those individuals who are a public safety or flight risk, or for those
97 who require secure detention as a graduated sanction having failed other intermediate
98 punishments. Alternatively, the criminal justice council may wish to propose other
99 policy options that would also limit the use of secure detention.

100 SECTION 4. It is the intent of the council that the courts, prosecutor, sheriff, and
101 all other agencies involved in the criminal justice system emphasize system and process
102 efficiencies that reduce the utilization of jail and reduce overall criminal justice
103 expenditures. The council intends that the courts, prosecutor, sheriff, and all other
104 criminal agencies identify areas for efficiency that benefit the system as a whole, in
105 addition to the individual agency.

106 SECTION 5. The council also encourages the development and use of
107 alternatives to the use of secure detention for adult offenders in order to make best use of
108 limited detention resources and preserve public safety. These intermediate sanctions

109 should be used in a graduated and measured manner, appropriate to the offense and
110 cognizant of the cost effectiveness—measured through lower costs, or reducing the costs
111 of future offending.

112 SECTION 6. It is the intent of the council that the county provide treatment
113 options, within the constraints of existing current expense and other funding sources, for
114 persons who are significantly impaired by substance abuse and/or mental illness and
115 involved repeatedly or for significant duration in the criminal justice system.

116 The council recognizes the value of the county therapeutic courts for substance abusing
117 and mentally ill offenders. It is the intent of the council that the successful process and
118 programs of these courts become a regular component of the county's criminal justice
119 system and that the courts, prosecutor and executive, consider using the successful
120 components of these courts as the basis for planning how best to integrate adjudication,
121 sanctioning and treatment of these significantly impaired persons. Further, it is the intent
122 of the council that the benefit of these courts be made available to significantly impaired
123 offenders regardless of offense or court jurisdiction.

124 It is the intent of the council that treatment options for persons significantly
125 impaired by substance abuse and/or mental illness emphasize community based
126 alternatives to incarceration, as well as treatment in conjunction with incarceration where
127 public safety risk or flight risk so requires, and are coordinated with on-going community
128 care wherever possible. It is the intent of the council that existing current expense and
129 other funding sources be used to implement these policies, but the council recognizes that
130 because of continuing fiscal problems with the current expense fund no new current
131 expense funding will be available to expand programs. Nevertheless, the council

132 recognizes that the county should continue to pursue other funding sources for treatment
133 and that as savings are achieved in the criminal justice system, that consideration be
134 given to reallocating resources for treatment programs for these populations.

135 In addition, the council also recognizes the benefits of the district court's
136 consolidated domestic violence court. Similarly, the county should develop plans for
137 expanding and duplicating the methods and benefits from this court program for other
138 appropriate offender populations.

139 It is the intent of the council that the county substance abuse, mental health, and
140 community services programs, including veteran's programs, domestic violence and
141 work training programs, give priority to referrals from the criminal justice system in
142 accord with needs and to the maximum extent allowable within the parameters of their
143 categorical funding sources and shall partner with the criminal justice system to jointly
144 develop treatment options and screening, assessment and referral protocols.

145 It is the also intent of council that the county help provide access to information,
146 treatment and other rehabilitative services for persons with other substance abuse and
147 mental health concerns as part of its programming both within secure detention and in
148 community corrections options.

149 SECTION 7. To ensure the application of the council's adopted criminal justice
150 policies contained in sections 3 through 6 of this ordinance and the continued
151 implementation of the Adult Justice Operational Master Plan submitted as Attachment A
152 to this ordinance, the King County Criminal Justice Council shall develop and submit an
153 implementation plan to the council by September 1, 2002, for review and approval by
154 motion. It is the intent of the council that the plan identify responsibility for

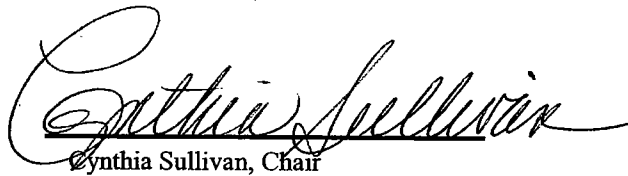
155 implementation of criminal justice policy and master plan recommendations (including
156 criteria and procedures identified in section 3 of this ordinance related to jail use
157 policies), schedule for implementation, and the estimated reduction of jail utilization
158 associated with each recommendation. In addition, the executive, in consultation with
159 the Criminal Justice Council, shall regularly report on the status of the implementation of
160 plan recommendations. The executive shall also prepare an annual report summarizing

161 the status of the population of adults in detention and in alternatives, and identifying
162 workplan goals for the next year.
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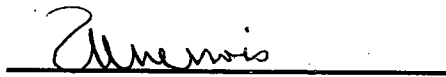
Ordinance 14430 was introduced on 5/28/2002 and passed by the Metropolitan King
County Council on 7/22/2002, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr.
Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Gossett, Ms. Hague,
Mr. Irons and Ms. Patterson
No: 1 - Mr. Pullen
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

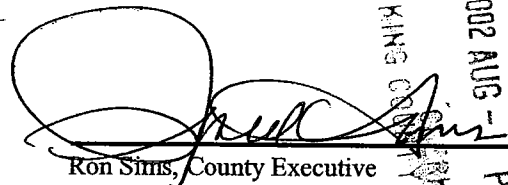

Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 1 day of August, 2002.


Ron Sims, County Executive

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KING COUNTY COUNCIL

Attachments A. Adult Justice Operational Master Plan dated May 2002

ATTACHMENT A

14430

AVAILABLE IN CLERKS
OFFICE

2002 251

The Adult Justice Operational Master Plan

KING COUNTY CAPACITY OPTIONS: 2002 – 2010

THE ALTERNATIVES WORKGOUNP REPORT

THE FELONY WORKGROUP REPORT

THE MISDEMEANANT WORKGROUP REPORT

May 2002