

March 15, 2010

To: Public Safety & Education Committee  
From: Peter Harris, Central Staff  
Re: Extending King County Jail Agreement to 2016

## **Introduction**

On March 17, the Committee will discuss and possibly vote on Council Bill 116815, which would authorize the Mayor to extend the City's jail services agreement with King County to the end of 2016. The current jail services agreement with King County expires at the end of 2012. The new agreement would provide the City with most of the jail space it expects to need through 2016. Although jail planning as a whole involves many major policy issues, this ordinance does not seem to present any in itself. Seattle and other cities asked for this extension, the County Executive has offered it, and the terms seem reasonable.

Below I will first provide some background. Then I will summarize the main differences between the current agreement and the proposed extended agreement. Then I will briefly explain the implications of the extension for medium- and long-term jail planning.

## **Background**

The City is responsible for jailing misdemeanants arrested in Seattle. In 2009, an average of 278 inmates were held in jail each day on Seattle misdemeanor charges. On average, three-quarters of the inmates were held in King County Jail and the other quarter in Yakima County Jail.

The current agreement under which King County provides jail space to Seattle expires at the end of 2012. The agreements between King County and other cities who jail misdemeanants in the King County Jail expire at the same time. About six years ago, King County informed Seattle and the other cities that it did not intend to renew these agreements past 2012. In response, the cities began making their own plans for new jails. The larger cities in southern King County formed the South Correctional Entity (SCORE), which plans to open a new 822-bed jail in late 2011.<sup>1</sup> Seattle, Bellevue, Kirkland, Redmond and Shoreline formed the North/East Cities group (NEC), which is evaluating six potential sites for a new jail serving these cities.<sup>2</sup>

Last fall, because King County anticipates having some jail space available for cities for the next few years, and because a new NEC jail could not be opened until well after the end of 2012, the County Executive offered to extend the current agreements with cities through the end of 2015. Last December, the Mayor transmitted legislation that would authorize such an extension (C. B. 116769). In January, Catherine Cornwall of the City Budget Office briefed you on this proposed extension.

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<sup>1</sup> The cities are Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac and Tukwila. See [www.scorejail.org](http://www.scorejail.org).

<sup>2</sup> See [www.necmunicipaljail.org](http://www.necmunicipaljail.org).

Last month, largely due to delays in King County jail planning that affect NEC planning,<sup>3</sup> the Jail Agreement Administration Group that collectively represents the cities (including Seattle) in the cities' current agreements asked the County Executive to extend the agreements through the end of 2016 rather than 2015. The County Executive agreed to extend the agreements through 2016, and in turn asked the interested cities to act on the extension quickly so that the agreements can be effective by May 1. Because the SCORE cities will have their own jail, the interested cities are primarily those in the NEC.

### **Differences between the current agreement and the new agreement**

#### Length:

As noted, the current agreement expires at the end of 2012 and the new agreement would expire at the end of 2016.

#### Number of jail beds provided:

The current agreement commits the County to provide all contracting cities together with 220 beds through 2012. The new agreement would provide all contracting cities with 330 beds through 2014 and 250 beds in 2015 and 2016.

What are the implications of these aggregate limits for Seattle? The contracting cities have agreed to share future King County jail beds in proportion to their current use. Seattle currently uses 67% of the King County jail space used by all cities, but Seattle's share will increase when some cities begin using the SCORE jail. Depending on the number of cities using the SCORE facility, Seattle's share of cities' use of King County jail could increase to about 85%. Eighty-five percent of 330 beds is 281, and 85% of 250 beds is 213.

As noted, in 2009 the average daily jail population (ADP) of Seattle misdemeanants was 278. If the Seattle ADP increases in proportion to forecasted Seattle population growth, the Seattle ADP will be 287 in 2014 and 292 in 2016. Because the jail population fluctuates by day of week and season, the peak jail population is about 15% greater than the ADP. This means Seattle can expect to use a peak of 330 beds in 2014 and a peak of 336 beds in 2016. An 85% share of the city beds available from King County would supply (coincidentally) 85% of Seattle's needs in 2014 and 63% of Seattle's needs in 2016. These figures, of course, are all based on a straight line projection from a single point in an ADP that historically has varied substantially from year to year.

The new agreement thus is not a complete medium-term solution to Seattle's jail capacity needs, but it is probably sufficient, because the prospects appear good for obtaining the remaining 50 to 120 beds from either Yakima County or SCORE.

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<sup>3</sup> One of the six sites NEC is evaluating is an annex to the King County Jail in Downtown Seattle. Because this site would require a partnership with King County, the County is conducting its own environmental review of the annex and a potential expansion of the Maleng Regional Justice Center (MRJC) as an alternative. The risk of flooding from the damage to the Howard Hanson Dam, including potential flooding of the MRJC, forced the County to delay its environmental review. As a result, the construction of any new jail space by either the NEC or the County cannot be completed until at least 2016.

### Costs:

The costs are described in the fiscal note to the proposed ordinance. In brief: Seattle currently pays a booking fee of \$234 and a daily maintenance fee of \$122. Under the new agreement, Seattle would pay a booking fee of \$289, and either a daily fee of \$106 for general jail housing or an alternative daily fee ranging from \$79 for inmates in work release to \$1319 for inmates who require full-time guarding in Harborview Medical Center. The new distinction between the lower daily fee for general housing and the higher fees for housing inmates who require medical care will increase Seattle's costs, but this is a reasonable reflection of the disproportionate share of Seattle inmates who require medical care. The City Budget Office estimates that the new agreement taking effect on June 1 would increase the City's 2010 jail costs by \$739,000. The estimated increased costs for 2010 are included in the 2010 budget.

On an annual basis, if the City were to continue using the same number of beds in the King County Jail as in 2009, the new agreement would increase the City's jail costs in King County by approximately \$1.3 million, from \$12.6 million to \$13.8 million. This amount depends heavily on the total number of jail beds Seattle actually uses, which fluctuates year by year, and on the number of jail beds Seattle obtains from other sources, potentially including Yakima and SCORE.

The new agreement calls for 5% annual increases in fees not involving medical charges, including the booking fee and the general daily fee, and 6.5% annual increases in medical fees, including infirmary and psychiatric care.

### City commitment to obtain other jail space

Section 14.4 of the new agreement says this:

“The City confirms that it is engaged in planning to finance and construct or otherwise secure additional jail capacity to be available to the City . . . by the end of the term of this Agreement. Also . . . the City has entered or will enter into a contract or contracts with third parties for jail bed capacity for City misdemeanor offenders . . . in order to supplement the jail bed capacity available to the City for the entire term of this Agreement.”

The first sentence emphasizes that the County is making no commitment to meeting the City's jail space needs after 2016, and does not want to find itself in a bind between jail capacity and public safety needs if the City fails to make plans for after 2016. The second sentence recognizes that the cities that are likely to want jail space from the County already have greater jail space needs than the County can meet. Seattle meets the first requirement with its participation in the NEC Municipal Jail project and the second with its current contract with Yakima County.

### **Implications of the new agreement for medium- and long-term jail planning**

The new agreement provides just enough time to complete the evaluation of alternative sites for a new NEC Municipal Jail and, if necessary, to construct it. As noted, it is not a complete solution for the medium term – that is, from now through 2016 – because it does not supply all the jail space Seattle probably will need in these years, but this does not appear to be a large problem, because the prospects appear good for obtaining the remaining jail beds Seattle will need in these years from either Yakima or SCORE.

Most important, the new agreement is in no way a long term solution. The City as yet has no definite source for any jail space past 2016. Six years may seem like a long time, but for jail planning it is not. In 2004, when King County had announced it would not extend the current agreement past 2012, the City sought technical assistance on jail planning from the National Institute of Corrections. The Institute's first finding was that the City did not recognize the urgency of its jail space problem. The six years of planning and discussion since then has produced four additional years of jail capacity.

### **Conclusion**

The County Executive has requested that the Mayor sign the new agreement by May 1. This would require reasonably prompt action by the Council.

If you have any questions, please let me know.