



# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Agenda

### Panel 4 – Equity and Justice for All (Discussion Related to Proposed 2019-2020 Biennial Budget)

*Councilmembers: Rod Dembowski, Chair, Larry Gossett,  
Jeanne Kohl-Welles, Kathy Lambert, Dave Upthegrove*

*Staff: Andrew Kim (206-477-8495), Panel Lead, Clifton Curry (206-477-0877), Sahar Fathi (206-263-0960),  
Jenny Giambattista (206-477-0879), Samantha Porter (206-263-9206), Wendy Soo Hoo (206-477-0890)*

*Panel Assistant: Erica Newman (206-477-7543)*

9:30 AM

Thursday, October 25, 2018

Room 1001

#### SPECIAL MEETING

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. Call to Order
2. Roll Call
3. Public Comment (Limited to 15 minutes)

#### Briefing

4. [Briefing No. 2018-B0176 pp.7-135](#)

Equity and Justice for All: Policy Discussion on the Proposed 2019-2020 Budget

*Andrew Kim, Council Staff*

#### Adjournment



*Sign language and communication material in alternate formats can be arranged given sufficient notice (206-1000).*

*TDD Number 206-1024.*

*ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.*



[Blank Page]



**Metropolitan King County Council  
Budget Panel Discussion 2019-2020**

## **EQUITY AND JUSTICE FOR ALL**

Panel Meeting #2 | October 25, 2018

On October 11, 2010, Ordinance 16948, also referred to as the "Equity and Social Justice Ordinance," was enacted establishing equity and social justice from an initiative to an integrated effort that intentionally applies the countywide strategic plan's principle of "fair and just" in all the county does in order to achieve equitable opportunities for all people and communities. The ordinance defines "fair and just" to mean that the county serves all residents by promoting fairness and opportunity and eliminating inequities through actions to which equity and social justice foundational practices are applied. The ordinance identified fourteen **determinants of equity** as the conditions that lead to the creation of a fair and just society in King County.

As part of the 2019-2020 biennium budget process, this panel will focus on how the county can best serve the needs of the most vulnerable residents while helping them reach their full potential. In particular this panel will evaluate budget decisions that relate to the following determinants of equity:

- A law and justice system that provides equitable access and fair treatment for all<sup>1</sup>; and
- Health and human services that are high quality, affordable and culturally appropriate and support the optimal well-being of all people<sup>2</sup>;

This is the second of three budget panel discussions during which councilmembers will examine the following four focus areas and its related policy questions:

### **1. MENTAL ILLNESS DRUG DEPENDENCY (MIDD) LEVY and LAW ENFORCEMENT ASSISTED DIVERSION PROGRAMS**

- What are the outcomes of the Law Enforcement Assisted Diversion (LEAD) program?
- What are the outcomes of the Navigator, RADAR, and related programs that also involve law enforcement personnel to assist individuals to divert from detention?
- Are current MIDD funded programs aligned with the original purpose of the MIDD Levy?

---

<sup>1</sup> K.C.C. 2.10.210.B.3.

<sup>2</sup> K.C.C. 2.10.210.B.8.

## **2. DELIVERY OF BENEFITS TO SUPPORT RESIDENTS IN POVERTY TO REACH THEIR FULL POTENTIAL**

- What services and benefits are provided by the county to residents in poverty?
- How can the county integrate the delivery of services and benefits to residents in poverty to make it easier for them to receive all available resources?
- What is necessary to achieve integration on receiving services and benefits for residents in poverty?

## **3. PUBLIC HEALTH**

- How can we lay the foundation of building a regional health plan in the county?
- How can we expand the county's efforts on HPV (Human Papillomavirus) to improve vaccination rates and increase screenings in an effort to reduce cervical cancer in the county?

## **4. BARRIERS TO SUCCESSFUL REENTRY AND THE CRIMINAL JUSTICE SYSTEM**

- How do we alleviate the burden of bails? Can the county establish a "Public Bail Fund"?
- How can we eliminate barriers to re-entry, such as Legal Financial Obligations, civil penalties, and fines, for individuals in the criminal justice system?
- How can we implement incentives for the county's criminal justice agencies to eliminate barriers to re-entry?

## **October 25<sup>th</sup> (WEEK 2) Meeting Agenda:**

1. Continue Briefing and Discussion on Mental Illness Drug Dependency (MIDD) Levy and Law Enforcement Assisted Diversion Programs (*45 minutes*)
  - *Dr. Susan Collins, Director, Harm Reduction Research and Treatment Center (HaRRT), Department of Psychiatry and Behavioral Sciences, University of Washington – Harborview Medical Center*
  - *Council Central staff*
2. Briefing and Discussion on Barriers to Successful Reentry and the Criminal Justice System (*60 minutes*)
  - *Sean O'Donnell, Chief Criminal Judge, Superior Court*
  - *Theresa B. Doyle, Judge, Superior Court*
  - *Anita Khandelwal, Director, Department of Public Defense*
  - *Mark Larson, Chief Deputy Criminal Division, Prosecuting Attorney's Office*
  - *Patty Noble-Desy, Recidivism Reduction and Reentry – Senior Project Manager, Office of Performance, Strategy & Budget*
3. Briefing and Discussion on HPV (Human Papillomavirus) (*20 minutes*)
  - *Dennis Worsham, Division Director, Prevention, Public Health – Seattle & King County*

Recess (*5 minutes*) and members to convene at table for discussion.

4. Preliminary Discussion on Possible Budget Options and Consensus (*30 minutes*)
  - *Council Central staff*

## **November 1<sup>st</sup> (WEEK 3) Meeting Tentative Agenda:**

1. Discussion on Final Budget Proposals and Consensus (*75 minutes*)
  - *Council Central staff*

[Blank Page]



**Metropolitan King County Council  
Budget Panel Discussion 2019-2020**

**EQUITY AND JUSTICE FOR ALL**

Panel Meeting #2 | October 25, 2018

Staff: Wendy Soo Hoo and Sam Porter

**MENTAL ILLNESS AND DRUG DEPENDENCY SALES TAX<sup>1</sup>: CHANGES IN STRATEGIES AND FUNDING**

The King County Council authorized the Mental Illness and Drug Dependency (MIDD) sales tax in 2007<sup>2</sup> with the policy goals of reducing the number of people using costly interventions (such as hospitals or the jail), the number of people repeatedly cycling through the jail, and the incidence and severity of chemical dependency and mental and emotional disorders in youth and adults; diversion of youth and adults from initial or further justice system involvement; and alignment with other Council directed efforts.

In 2016, the Council authorized the extension of the sales tax<sup>3</sup> and adopted a Service Improvement Plan<sup>4</sup> (SIP) to guide the investment of future MIDD revenues. The SIP organized the MIDD programs and services into four areas corresponding to the continuum of care: Prevention & Early Intervention, Crisis Diversion, Recovery & Reentry and System Improvements. In addition, the SIP called for supporting all therapeutic court costs.<sup>5</sup>

Chart 1 below shows the budgeted amount for each MIDD strategy area for the 2015-2016 and 2017-2018 biennia and the proposed budget for 2019-2020.

---

<sup>1</sup> In 2005, the Washington State Legislature passed the Omnibus Mental Health and Substance Abuse Act in 2005. The law (RCW 82.14.460) authorized counties to levy a one-tenth of one percent sales and use tax to fund new or expanded mental health, chemical dependency or therapeutic court services. Subsequent revisions to the statute allowed housing and transportation<sup>1</sup> to be funded with the sales tax revenues and enabled counties to supplant a percentage of existing funds on a predetermined schedule through 2016.

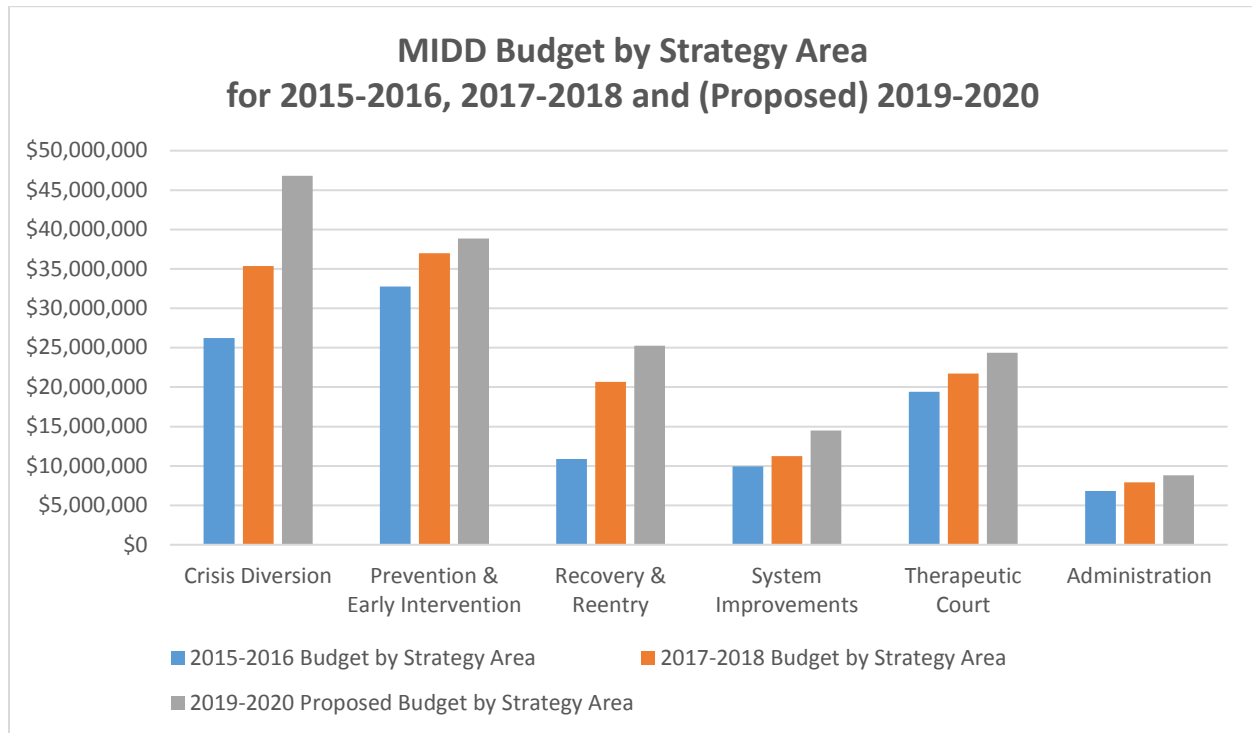
<sup>2</sup> Ordinance 15949

<sup>3</sup> Ordinance 18333

<sup>4</sup> Ordinance 18406

<sup>5</sup> Note that in 2011, the statute was revised to allow therapeutic court costs to be funded with the sales tax without being considered supplantation.

**Chart 1**



As shown in Chart 1 (above), all strategy areas have grown over the course of the biennia. As shown in Chart 1 and Chart 2 (below), the largest share of MIDD funding budgeted in 2015-2016 and 2017-2018 went towards programs categorized as Prevention & Early Intervention (31 percent and 28 percent respectively). For 2019-2020, the largest percentage is proposed for Crisis Diversion (30 percent). Smaller shares have been allocated in each biennium to Therapeutic Courts, Recovery & Reentry, System Improvements and Administration.



**Chart 2**

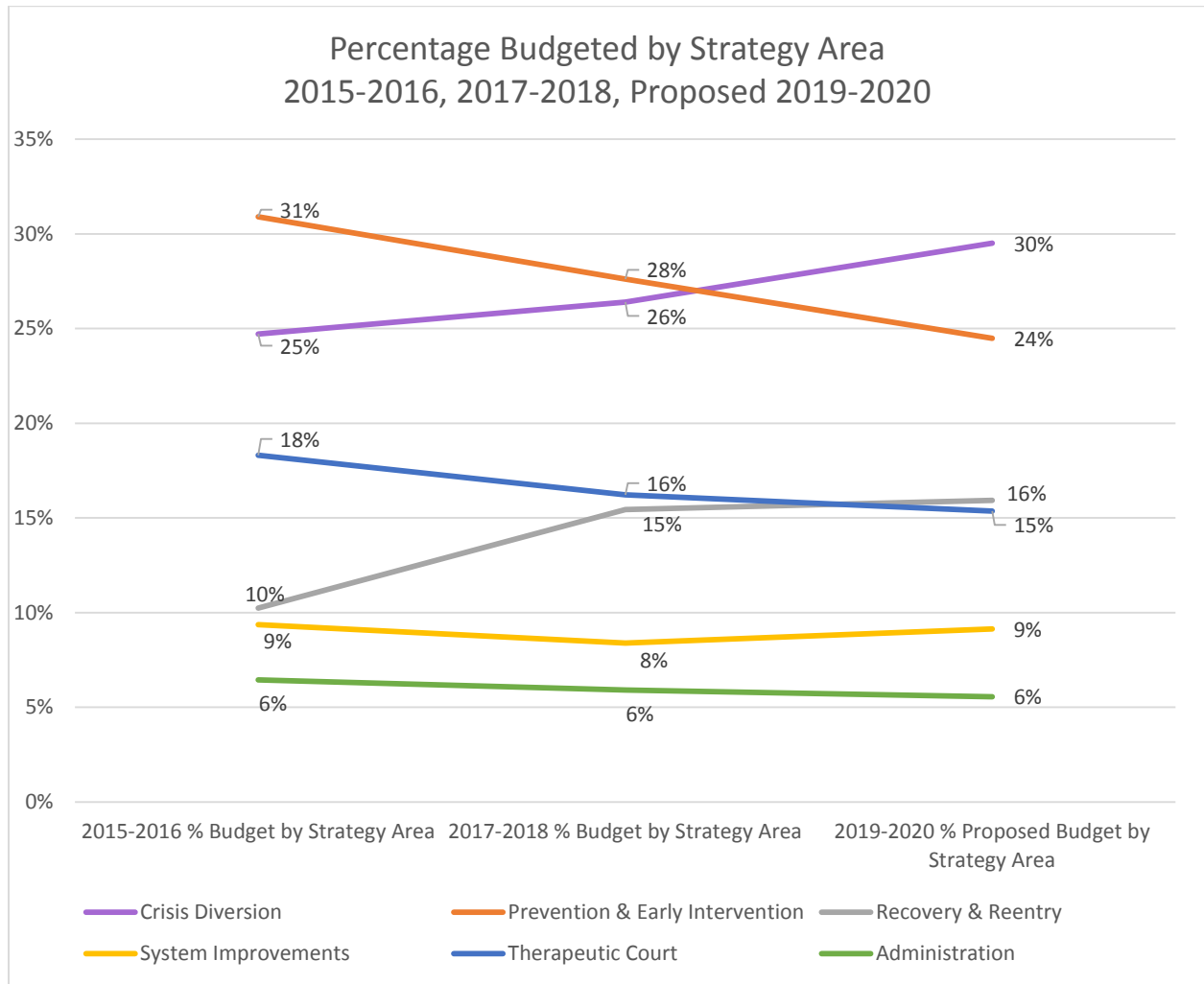
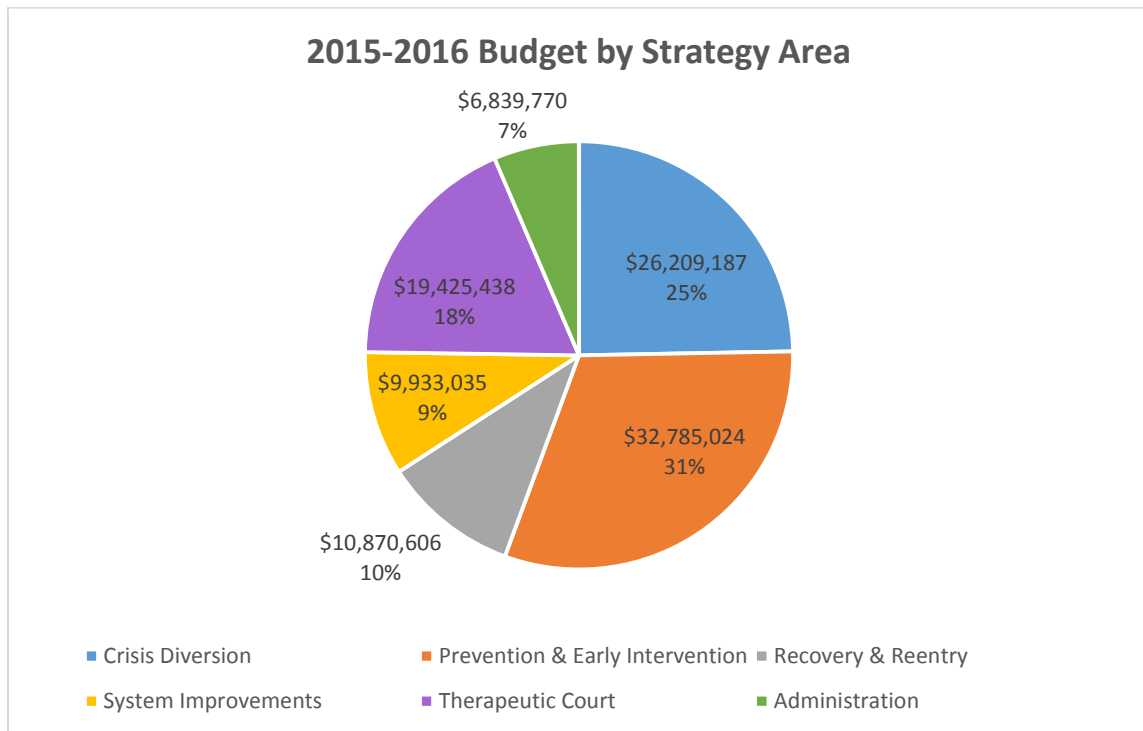
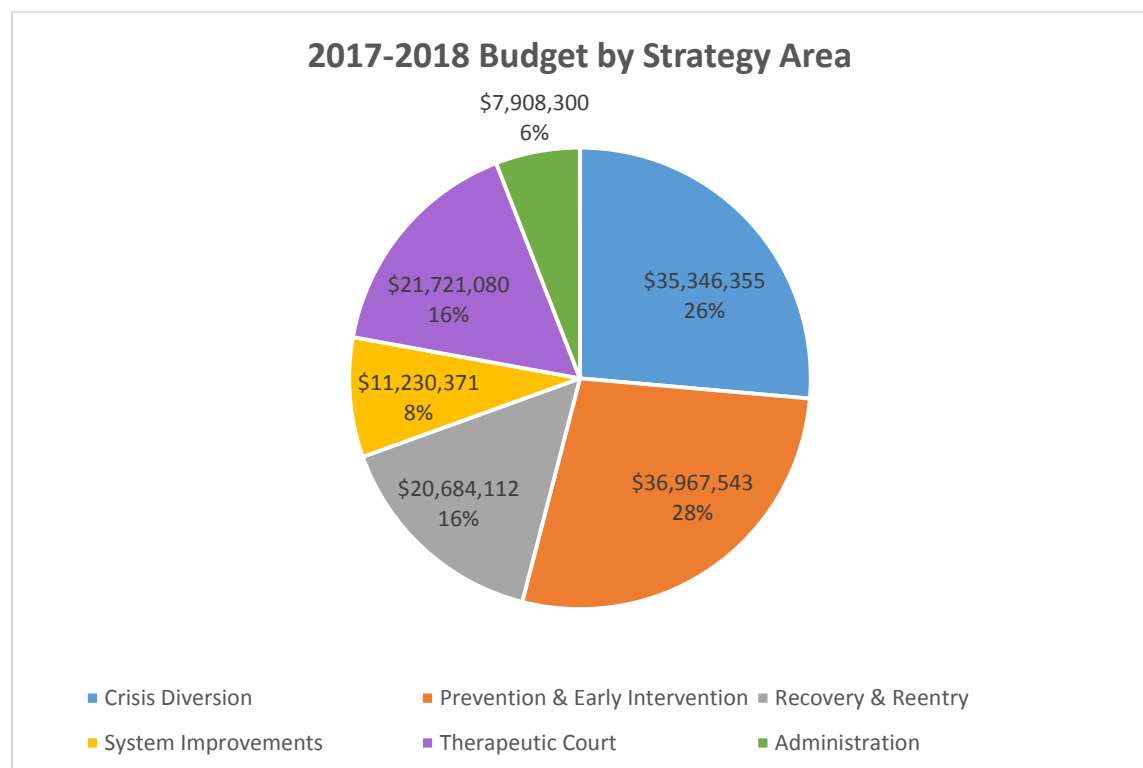


Chart 3A through 3B below displays the same data in the form of pie charts for each biennium with the percentages and dollars budgeted by strategy area.

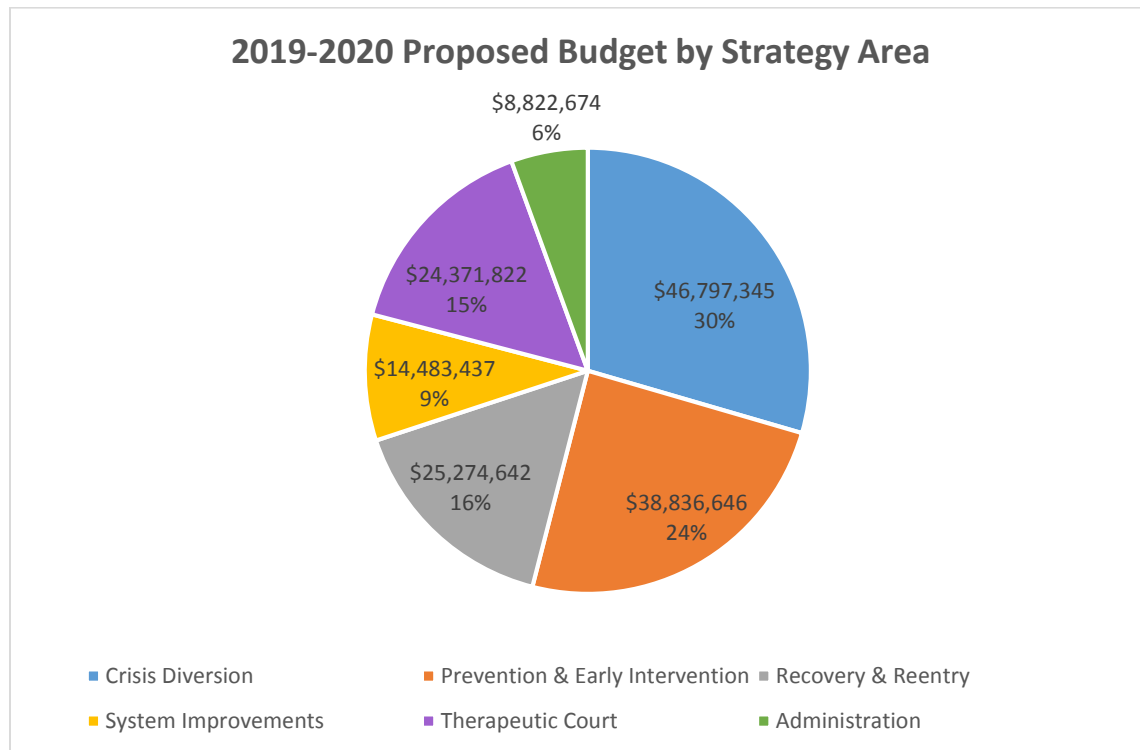
**Chart 3A.**  
**2015-2016 Adopted Budget – Percentage by Strategy Area**



**Chart 3B.**  
**2017-2018 Adopted Budget – Percentage by Strategy Area**



**Chart 3C.**  
**2019-2020 Proposed Budget – Percentage by Strategy Area**



## CHANGES TO MIDD PROGRAMS

Members of the panel have also asked how decisions have been made to change MIDD programs or to change funding amounts. According to the Council-approved MIDD Comprehensive Retrospective Report<sup>6</sup>, many MIDD programs have been revised over time "to meet the changing needs of participants, the service system, the count and its residents." Generally, the process has been to inform the MIDD Advisory Committee (formerly the Oversight Committee) of revisions at the committee's meetings. Revisions have also been documented in the MIDD annual report transmitted to Council. Appendix M to the Comprehensive Retrospective Report describes all of the revisions made to the original MIDD (MIDD 1) programs and the rationale for the changes, and is provided as Attachment 1 to this staff report.

In developing the renewed MIDD (MIDD 2), the Department of Community and Human Services convened stakeholder workgroups to evaluate proposed new initiatives. The process yielded 21 new programs, bringing the total number of strategies to 52. A list of all programs and the budgeted amount for 2015-2016 and 2017-2018 and proposed for 2019-2020 is included as Attachment 2.

---

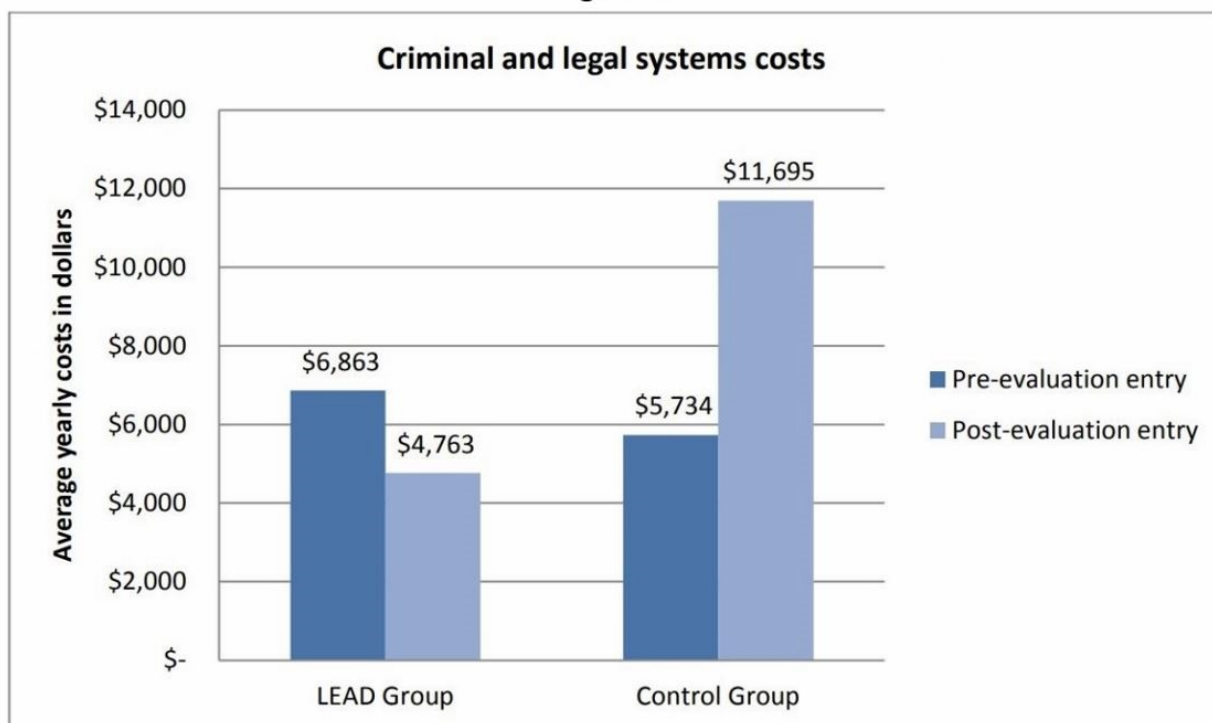
<sup>6</sup> Motion 14712

## LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM

At this week's Equity and Justice for All panel meeting, Susan E. Collins, Ph.D., Co-Director at the University of Washington Harm Reduction Research and Treatment Lab at the University of Washington – Harborview Medical Center, will present on evaluations conducted on LEAD program participant outcomes and impacts on recidivism.

In 2015, Dr. Collins along with her colleagues conducted an evaluation of the criminal justice and legal system utilization and associated costs as it pertains to LEAD participants. While LEAD participants did not show statistically significant effects on the average yearly number of misdemeanor cases they did show a statistically significant reduction in felony cases. The research demonstrated that LEAD participants saved the criminal justice and legal systems on average approximately \$2,100 annually, whereas control participants costs within the criminal justice system increased by approximately \$5,961 annually.<sup>7</sup> This comparison can be seen in Figure 1 below. The decrease in criminal justice and legal system utilization costs for LEAD participants is associated with a decrease in jail bookings per year, days spent in jail, in prison incarceration, and felony cases.

**Figure 1.**<sup>8</sup>



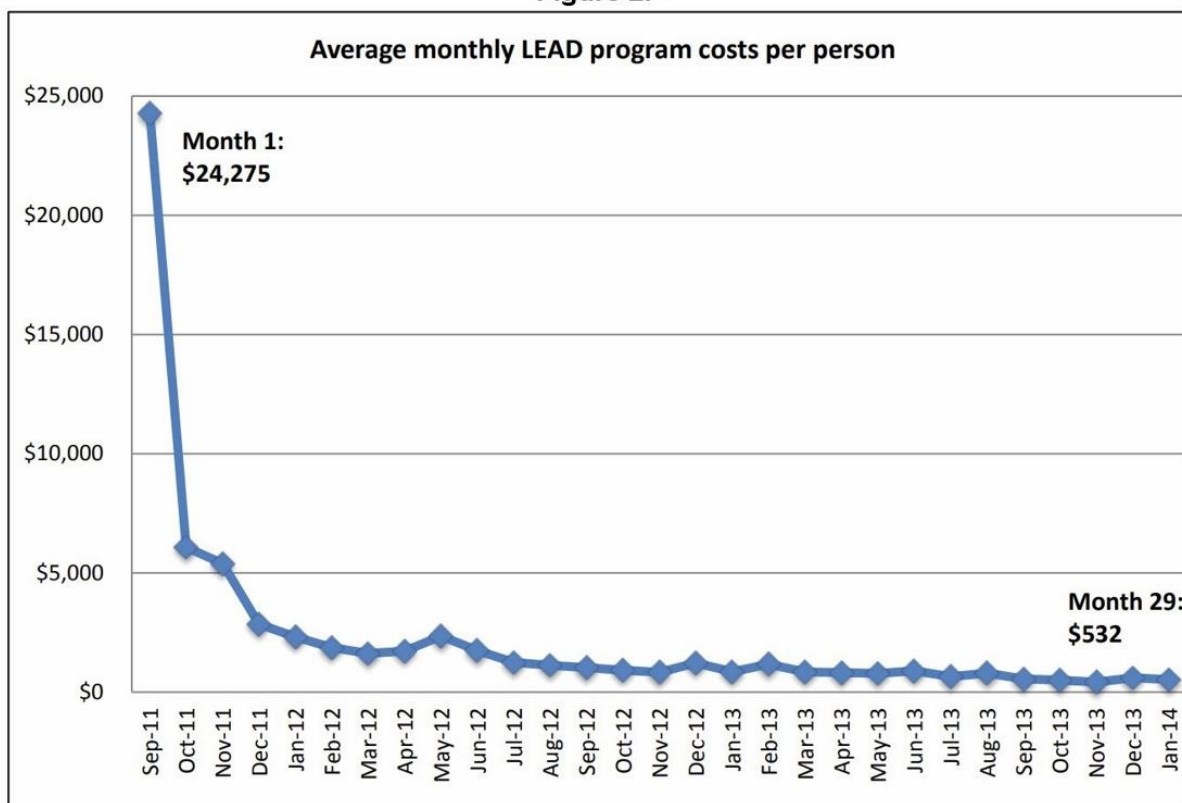
Their findings estimated that the costs over the first 29 months of operation averaged \$899 per participant per month or \$10,787 annualized. However, these costs included program startup and decreased to \$532 per month towards the end of the evaluation. In addition to the decrease of startup costs as the program progressed researchers stated that this decrease was also in part because the program, "recruited greater numbers of participants, became more efficient in client assistance spending, and benefited from

<sup>7</sup> LEAD Evaluation: Utilization and Cost Report 6/24/15, page 2.

<sup>8</sup> LEAD Evaluation: Utilization and Cost Report 6/24/15, page 20.

Medicaid expansion due to the Affordable Care Act (ACA)." The cost decrease over time can be seen in Figure 2 below.

**Figure 2.**<sup>9</sup>



LEAD costs include client assistance (31%), REACH personnel and operating costs (41%), and public defender and prosecution personnel costs (28%)<sup>10</sup>. Costs associated with client assistance include housing, food, clothing, education and other basic needs. In the present program 56% of all client assistance dollars went to, "motel/interim housing costs, which reflects both the high prevalence of homelessness in this community's priority population as well as King County's high cost of living."<sup>11</sup> REACH homeless outreach operating costs comprised of administrative costs (40%), travel and vehicle expenses (17%), telecommunication (16%), office space (15%), and office supplies and technology expenses (12%).<sup>12</sup>

## **ATTACHMENTS**

1. Appendix M – Strategy Revisions (excerpted from Motion 14712, Attachment A)
2. MIDD Programs and Budgeted Amounts for 2015-2016 and 2017-2018 and Proposed for 2019-2020
3. LEAD Presentation from Dr. Susan Collins (HaRRT)

<sup>9</sup> LEAD Evaluation: Utilization and Cost Report 6/24/15, page 16.

<sup>10</sup> LEAD Evaluation: Utilization and Cost Report 6/24/15, page 15.

<sup>11</sup> LEAD Evaluation: Utilization and Cost Report 6/24/15, page 21.

<sup>12</sup> LEAD Evaluation: Utilization and Cost Report 6/24/15, page 15.

[Blank Page]

## Strategy Revisions

Strategy		Date of Revision	Revision
1a1	Mental Health Treatment	07/01/2010	Clubhouse Services added. <sup>1</sup>
1a2	Substance Use Disorder (SUD) Treatment	01/01/2009	Buprenorphine <sup>2</sup> at Detoxification program added.
1a2	Substance Use Disorder (SUD) Treatment	01/01/2010 - Youth Transportation 07/01/2014 - Outreach	Treatment support activities added: <ul style="list-style-type: none"> <li>Youth Transportation</li> <li>O outreach.</li> </ul>
1a2	Substance Use Disorder (SUD) Treatment	10/01/2014	Detoxification beds added.
1a2	Substance Use Disorder (SUD) Treatment	01/01/2011	1811 Case Management added.
1a2	Substance Use Disorder (SUD) Treatment	5/01/2015	Peer services added.
1a2	Substance Use Disorder (SUD) Treatment	10/01/2013	Sobering services added.
1b	Outreach & Engagement	03/01/2009	<p>At the time the MIDD plan was initially adopted, a final service design was not proposed for this strategy because other initiatives related to people experiencing homelessness were in the process of being implemented. In winter 2008-09, two assessments occurred to help inform the programming of these funds:</p> <p>Health Care for the Homeless conducted a needs assessment.</p> <p>Public Health conducted an analysis of the numbers and characteristics of homeless people seen in the King County Jail.</p> <p>The revised design included: (1) Increase homeless program-based mental health/chemical dependency outreach and engagement services at selected homeless program sites in East King County, South King County, and Seattle. Services will be prioritized for those sites with the highest</p>

<sup>1</sup> 1. A Clubhouse is a community intentionally organized to support individuals living with the effects of mental illness and certified by the International Center for Clubhouse Development (ICCD). Through participation in a Clubhouse, members are given opportunities to rejoin the worlds of friendships, family, important work, employment, education, and to access the services and supports they may individually need. A Clubhouse is a restorative environment for people who have had their lives drastically disrupted, and need the support of others who believe that recovery from mental illness is possible for all.

<sup>2</sup> Buprenorphine is used in medication-assisted treatment (MAT) to help people reduce or quit their use of heroin or other opiates. <http://www.samhsa.gov/medication-assisted-treatment/treatment/buprenorphine>

Strategy		Date of Revision	Revision
			<p>numbers of people with histories of jail and/or hospital involvement.</p> <p>(2) Increase chemical dependency outreach and engagement for homeless Native Americans</p>
1c	Emergency Room Intervention	09/15/2011	Four new FTE Chemical Dependency Professionals (CDP) in south King County were planned. Three FTEs were filled in 2011. One FTE resigned in 2011 and was not refilled. Two new FTEs were maintained.
1d	Crisis Next Day Appointments	11/1/2008	<p>The original plan did not identify specific additional treatment and stabilization services. A stakeholder process was planned to develop the specific components.</p> <p>Enhanced stabilization services added to plan: Additional brief, intensive, short-term treatment to resolve the crisis, benefits counseling and psychiatric medication access.</p>
1e	Chemical Dependency Trainings	03/01/2009	Reimbursement was expanded beyond books and tuition to include the costs of testing to become a CDP and annual recertification. A Science to Service/Workforce Development Coordinator was hired. This position was responsible for providing technical assistance/training to the provider community about the selection and implementation of evidence-based treatment activities and assured that the selected programs were implemented and delivered with fidelity to the model. The position also monitored the utilization of the tuition reimbursement program.
1e	Chemical Dependency Trainings	09/23/2010	BHRD had a pilot project with the University of Washington (UW), School of Social Work, to develop a program within the School of Social Work to allow MSW students to jointly receive their CDP certificate.
1f	Parent Partners Family Assistance	11/01/2012	Originally Strategy 1f's design involved funding parent and youth partners throughout the behavioral health system to support families seeking assistance. After some consideration it



Strategy		Date of Revision	Revision
			was decided that a different plan was needed to fulfill the goals. Family, youth and system partner roundtables were held to gather information regarding the opportunities and challenges to the successful support of families. Input from the meetings and best practices research was used in the redesign. It was determined that a Family Support Organization (FSO) <sup>3</sup> could most effectively meet community and family needs and the implementation plan was revised to fund a FSO. Start-up activities began in mid-October 2011. Contracting with Guided Pathways – Support for Youth and Families (GPS) started on 11/01/2012.
<b>1g</b>	Older Adults Prevention	01/01/2010	Decreased FTEs and funding.
<b>1g</b>	Older Adults Prevention	01/01/2011	Decreased FTEs.
<b>2b</b>	Employment Services	01/01/2009	Added incentive payments for job retention outcomes. Added the SUD population in a modified employment services in 2015/2016 pilot.
<b>4c</b>	School-Based Services	07/01/2010	At the time of the MIDD Implementation Plan adoption, MIDD Strategy 4c was still under development and beginning the stakeholder planning phase. Originally, the strategy was written as if every school district in the county would receive funding. The allocation amount did not allow for adequate distribution to every school district, so it was changed to be open and available to every school district. The process was designed to ensure the four geographical regions of the county had equal distribution of funding if there were applications received and awards available to those areas. The services included prevention, early intervention, brief treatment and referral to treatment.
<b>4c</b>	School-Based Services	10/23/2014	The MIDD 4c strategy was awarded by a competitive request for proposals (RFP) in 2010. The RFP was for five

<sup>3</sup> A family-run support organization is an organization directed and staffed by family members who have personal life experience parenting a child with a serious emotional or behavioral disturbance and/or a substance use disorder. 1057-10\_ad1.pdf (1f Request for Proposal Addendum 1)

Strategy		Date of Revision	Revision
			years (expiring in June 2015). The County originally notified its 13 projects (with 10 providers) that the contracts were ending due to the RFP timeline ending. The County decided, due to the MIDD expiring January 1, 2017, that the projects were to be extended to the end of MIDD I.
<b>8a</b>	Family Treatment Court (FTC)	10/01/2010	FTC was funded with a blend of funding sources from the Veterans and Human Services Levy, MIDD funding, and general fund support that became unavailable. There were extra costs not budgeted in 2010 assigned to the Veterans and Human Services Levy. The 2011 Adopted Budget, Ordinance 16984, Section 69, Proviso 1 directed the King County Department of Community and Human Services (DCHS) Mental Health, Chemical Abuse and Dependency Services Division (MHCADSD), now BHRD, to develop a report regarding the FTC. A workgroup developed the FTC report. The resulting strategy revision was a cap of no more than 60 children at any given time and no more than 90 children per calendar year for the performance target retroactive to 10/01/2010.
<b>8a</b>	Family Treatment Court (FTC)	10/01/2014	This strategy was revised to expand the number of target children served from 90 to 120. Due to the Department of Public Defense work coming within King County and cases moving to an FTE model for FTC, the target for the number of children to be served could be increased.
<b>9a</b>	Juvenile Drug Court	07/01/2012	Co-occurring (mental health and chemical dependency) track added. Expanded participants to include youth receiving engagement service prior to opting in.
<b>10a</b>	Crisis Intervention Team Training	04/01/2010	Contracted with Washington State Criminal Justice Training Commission (WSCJTC) to implement the Crisis Intervention Team Training (CIT) program.
<b>10b</b>	Adult Crisis Diversion	4/01/2010	1.0 FTE BHRD Program Manager was added to coordinate the Crisis Diversion Services (CDS) strategy, staff the MIDD OC CDS strategy sub-

Strategy		Date of Revision	Revision
			committee and provide general support to the implementation of the MIDD plan.
<b>10b</b>	Adult Crisis Diversion	08/12/2012	The original plan included interim “respite” housing for homeless individuals ready to leave the Crisis Diversion Facility (CDF) in need of temporary housing while permanent supported housing was being arranged. This was revised to include people that were not homeless but in need of stabilization beyond the CDF three day limit.
<b>11a</b>	Increase Jail Liaison Capacity	11/01/2015	The location of services was revised from the King County Work and Education Release (WER) site to serve the population in a community-based setting.
<b>11b</b>	Mental Health Courts (MHC)	2/19/2009	At the time of the MIDD Implementation Plan adoption, MIDD Strategy 11b was still under development. This strategy enhanced services and capacities at existing mental health courts to increase access to programs for eligible adult misdemeanants throughout King County. Service enhancements were to include expanded mental health court treatment services programming within the City of Seattle Municipal Mental Health Court and the City of Auburn Municipal Mental Health Court. King County Regional Mental Health Court was made available to any misdemeanor offender in King County who was mentally ill, regardless of where the offense was committed.
<b>11b</b>	Mental Health Courts (MHC)	08/08/2011	Removed City of Auburn Mental Health Court, added Veteran’s Court pilot.
<b>11b</b>	Mental Health Courts (MHC)	06/05/2014	Strategy funds were used to expand residential treatment beds and housing units for therapeutic court participants.
<b>12c</b>	Psychiatric Emergency Services Linkage	11/1/2008	At the time of the MIDD Implementation Plan adoption, MIDD Strategy 12c was still under development. Two case managers were added to Psychiatric Emergency Services.
<b>12d</b>	Behavior Modification Classes	03/20/2009	The original goal of this strategy was to increase efficiency in the treatment and programming operations at

Strategy		Date of Revision	Revision
			Community Center for Alternative Programs (CCAP). As originally constructed this would be done through freeing up CCAP staff to do more programming by contracting out urinalysis (UA) supervision, by the Community Corrections Division (CCD) case workers. Due to several administrative barriers, it was determined that the best way to accomplish greater efficiency was to offer behavior modification programming instead. The revised strategy increased the scope and effectiveness of the services offered at CCAP and appropriately addressed the changing service needs of court-ordered participants. Moral Reconation Therapy (MRT), an evidence-based practice, was implemented at CCAP in April 2009.
15a	Adult Drug Court	01/01/2010	Services for women with co-occurring disorders ended due to declining MIDD revenue.
15a	Adult Drug Court	06/01/2012	Changed the 1.0 FTE subcontracted Wraparound position targeted to young adults, to transitional housing for young adults.
16a	New Housing & Rental Subsidies	11/01/2012	Facility closed. Funds transferred to remaining program to extend duration of subsidies.

MIDD 2015-2016 and 2017-2018 Adopted Budgets and 2019-2020 Proposed Budget				
MIDD Strategy Area	MIDD 2 Initiative Title	2015-2016 Adopted Budget	2017-2018 Adopted Budget	2019-2020 Proposed Budget
Administration	Administration & Evaluation	6,839,770	7,908,300	8,822,674
Crisis Diversion	Law Enforcement Assisted Diversion (LEAD)	-	3,589,500	7,428,509
Crisis Diversion	Youth Detention Prevention BH Engagement	-	607,800	1,844,486
Crisis Diversion	Outreach & In reach System of Care	1,007,241	830,660	880,509
Crisis Diversion	South County Crisis Diversion Services/Center	-	2,039,000	1,631,278
Crisis Diversion	High Utilizer Care Teams	407,174	519,163	550,318
Crisis Diversion	Adult Crisis Diversion Center, Respite Beds and Mobile Behavioral Health Crisis Team	12,418,796	10,333,569	11,902,368
Crisis Diversion	Multipronged Opioid Strategies	420,000	2,289,000	6,621,373
Crisis Diversion	Children's Domestic Violence Response Team	456,033	571,079	605,350
Crisis Diversion	NEW Behavioral Health Urgent Care-Walk In Clinic Pilot	-	506,500	-
Crisis Diversion	Next Day Crisis Appointments	533,985	622,995	660,381
Crisis Diversion	Children's Crisis Outreach and Response System - CCORS	1,017,887	1,142,158	1,210,699
Crisis Diversion	Parent Partners Family Assistance	788,271	851,427	1,158,165
Crisis Diversion	Family Intervention Restorative Services - FIRS	-	2,203,655	2,335,897
Crisis Diversion	Involuntary Treatment Triage Pilot	-	303,900	322,137
Crisis Diversion	Wraparound Services for Youth	9,159,800	6,229,950	6,603,815
Crisis Diversion	Youth Respite Alternatives	-	1,276,000	1,046,580
Crisis Diversion	Young Adult Crisis Stabilization	-	1,430,000	1,995,479
Prevention & Early Intervention	Screening, Brief Intervention and Referral To Treatment-SBIRT	1,664,345	1,453,655	1,540,890
Prevention & Early Intervention	Juvenile Justice Youth Behavioral Health Assessments	868,601	1,183,691	1,254,725
Prevention & Early Intervention	Prevention and Early Intervention Behavioral Health for Adults Over 50	922,819	981,880	1,040,803
Prevention & Early Intervention	Older Adult Crisis Intervention/Geriatric Regional Assessment Team - GRAT	641,299	666,605	706,608
Prevention & Early Intervention	School-Based SBIRT (Screening, Brief Intervention and Referral to Treatment)	3,021,931	3,187,204	3,364,863
Prevention & Early Intervention	Zero Suicide Initiative Pilot	-	810,400	-
Prevention & Early Intervention	Mental Health First Aid	-	607,800	644,275
Prevention & Early Intervention	Crisis Intervention Training - First Responders	1,890,496	1,661,320	1,761,017
Prevention & Early Intervention	Sexual Assault Behavioral Health Services	1,015,440	1,031,991	1,093,922
Prevention & Early Intervention	Domestic Violence and Behavioral Health Services & System Coordination	633,616	1,293,858	1,371,502
Prevention & Early Intervention	Community Behavioral Health Treatment	22,126,477	24,089,140	26,058,040

MIDD 2015-2016 and 2017-2018 Adopted Budgets and 2019-2020 Proposed Budget				
MIDD Strategy Area	MIDD 2 Initiative Title	2015-2016 Adopted Budget	2017-2018 Adopted Budget	2019-2020 Proposed Budget
Recovery & Reentry	Housing Supportive Services	4,101,416	4,146,712	4,388,753
Recovery & Reentry	Behavior Modification Classes at CCAP	152,688	157,825	235,486
Recovery & Reentry	Housing Capital and Rental	1,650,000	4,849,400	5,140,416
Recovery & Reentry	Rapid Rehousing-Oxford House Model	-	1,013,000	1,073,791
Recovery & Reentry	Housing Vouchers for Adult Drug Court	227,819	468,282	604,282
Recovery & Reentry	Jail Reentry System of Care	812,734	882,576	1,867,352
Recovery & Reentry	Behavioral Health Risk Assessment Tool for Adult Detention	-	954,043	1,011,296
Recovery & Reentry	Hospital Re-Entry Respite Beds	1,035,241	1,881,445	1,994,352
Recovery & Reentry	Recovery Café	-	706,500	748,896
Recovery & Reentry	BH Employment Services & Supported Employment	2,300,708	1,972,818	2,249,451
Recovery & Reentry	RR-11a Peer Bridger Programs/RR-11b SUD Peer Support	590,000	1,557,488	3,650,954
Recovery & Reentry	Jail-based SUD Treatment	-	900,000	954,010
Recovery & Reentry	Familiar Faces	-	194,023	309,023
Recovery & Reentry	Shelter Navigation Services	-	1,000,000	1,046,580
System Improvements	Community Driven Behavioral Health Grants	-	709,100	435,377
System Improvements	Rural BH Grants	-	709,100	435,377
System Improvements	Workload Reduction	8,202,832	8,306,600	12,016,761
System Improvements	Workforce Development	1,730,203	1,505,571	1,595,921
System Improvements	Emerging Needs Initiative	-	-	-
Therapeutic Court	Adult Drug Court	7,267,294	8,456,350	7,945,992
Therapeutic Court	Family Treatment Court	2,412,116	2,908,111	4,070,965
Therapeutic Court	Juvenile Drug Court	1,878,267	2,227,880	2,361,802
Therapeutic Court	Regional MH Court and Regional Veterans' Court	7,691,761	7,840,017	8,850,371
Therapeutic Court	Seattle Mental Health Municipal Court	176,000	188,722	200,047
Therapeutic Court	Community Court Planning and Pilot	-	100,000	942,644
Uncategorized	Consejo one-time funding	-	50,000	-



# EVALUATION OF THE LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM

Susan E. Collins, PhD & Seema L. Clifasefi, PhD

University of Washington – Harm Reduction Research and Treatment (HaRRT) Center

# UW LEAD program evaluation aims

## Specific Aim 1

- LEAD impact on criminal recidivism (i.e., arrests, criminal charges)

## Specific Aim 2

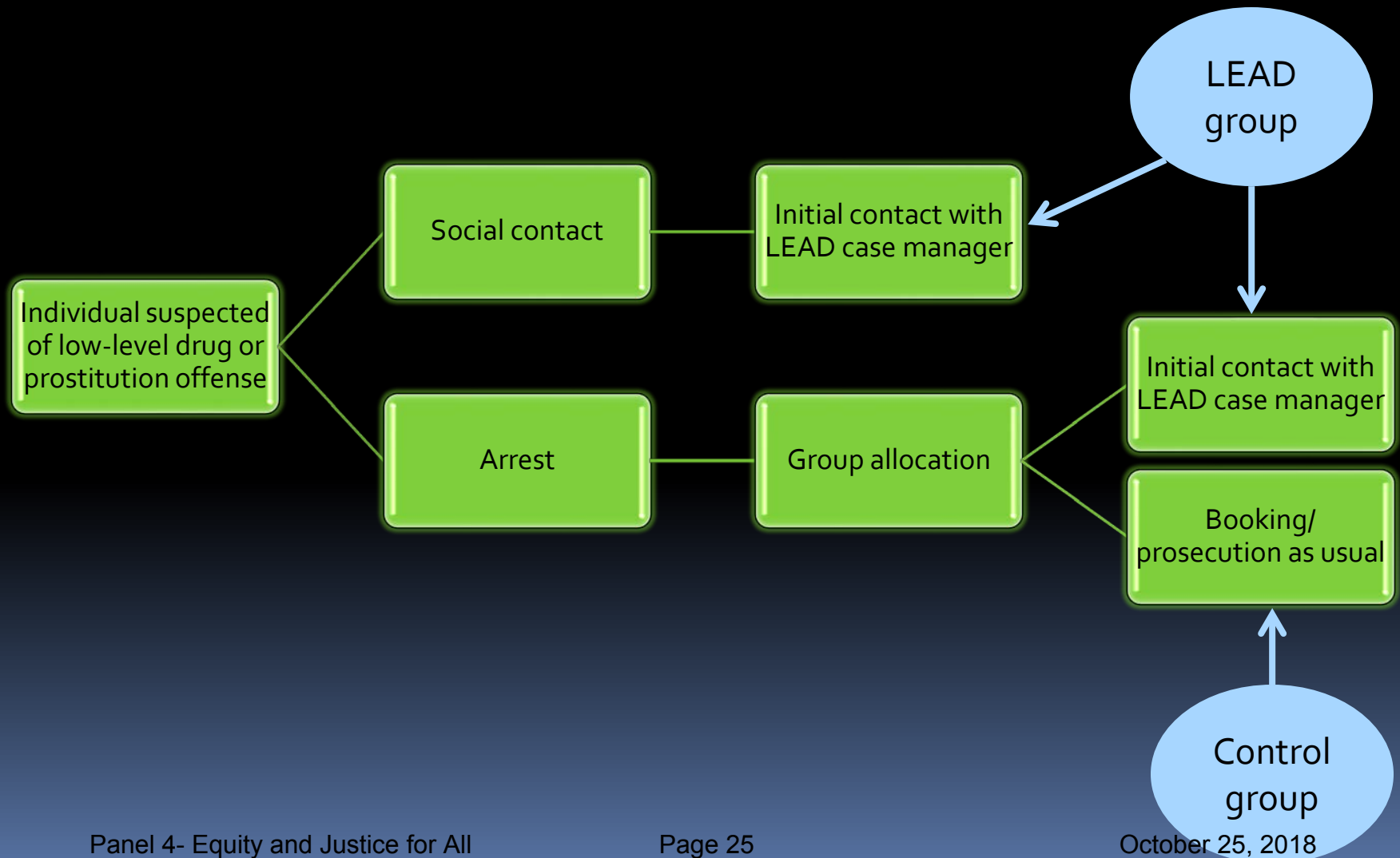
- LEAD impact on cost and systems utilization
- LEAD cost breakdown

## Specific Aim 3

- Housing, employment and income/benefit outcomes following LEAD



# LEAD evaluation entry process

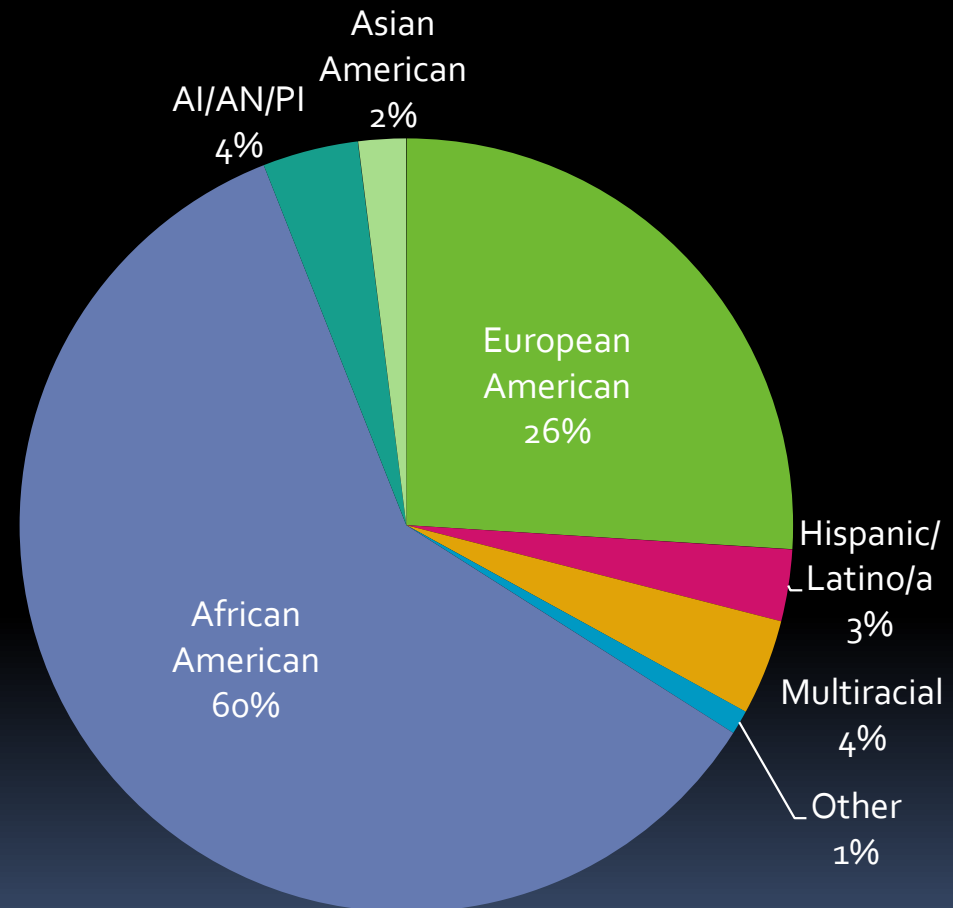


# LEAD evaluation timeline



# Baseline sample demographics

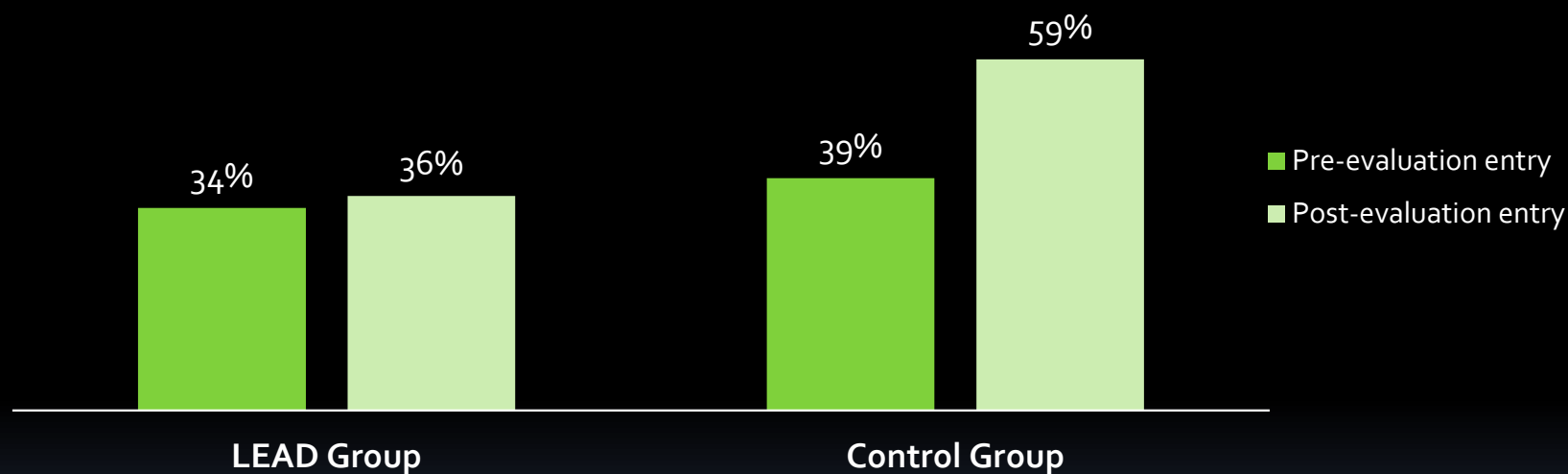
- **316 participants overall**
  - 202 LEAD participants
  - 114 system-as-usual controls
- **34% Female**
- **80% Homeless**
- **Mean Age: 40.12 (11.86) yrs**



LEAD Evaluation Results:

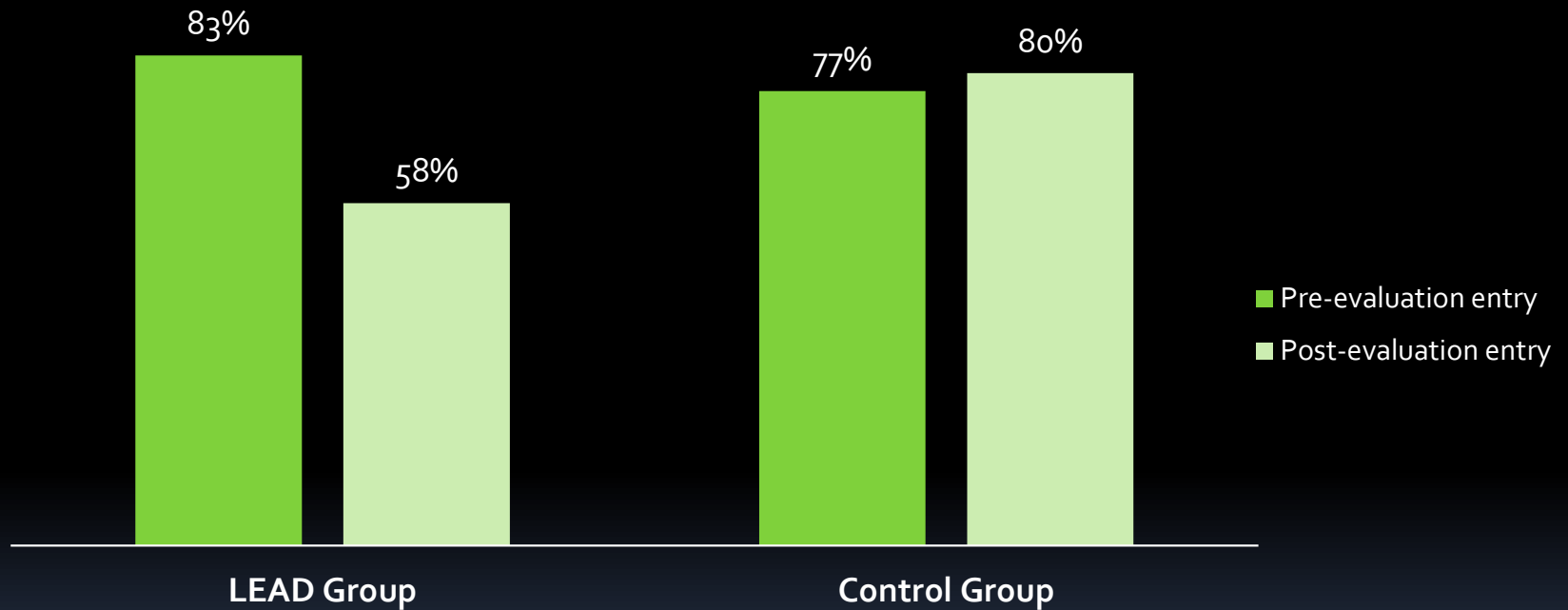
# **RECIDIVISM FINDINGS**

# LEAD effects on 6-month rearrest



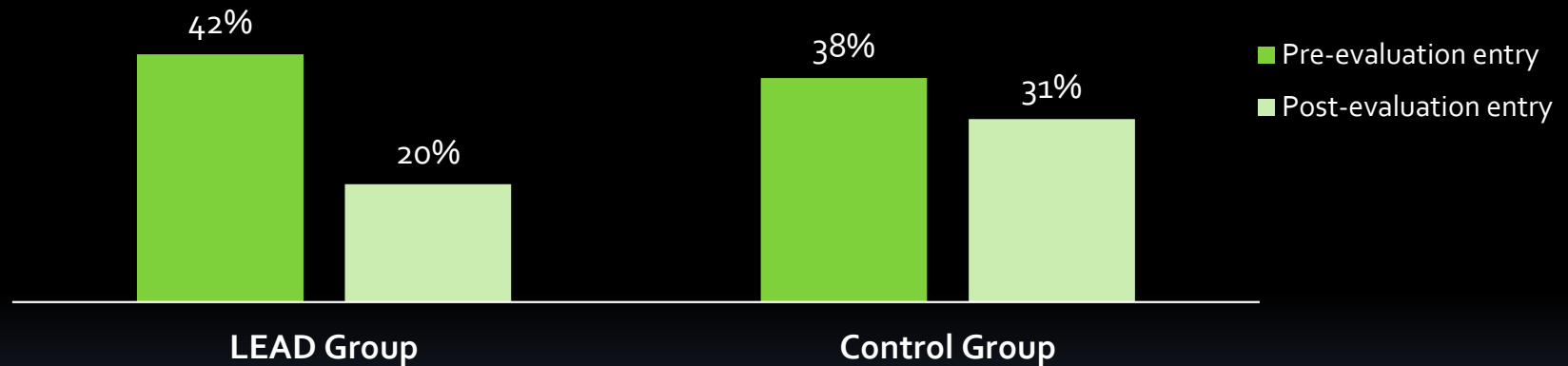
LEAD participants were 60% less likely to be arrested than control participants.

# LEAD effects on longer-term rearrest



LEAD participants were 58% less likely than people in the control group to be arrested.

# LEAD effects on longer-term felony charges



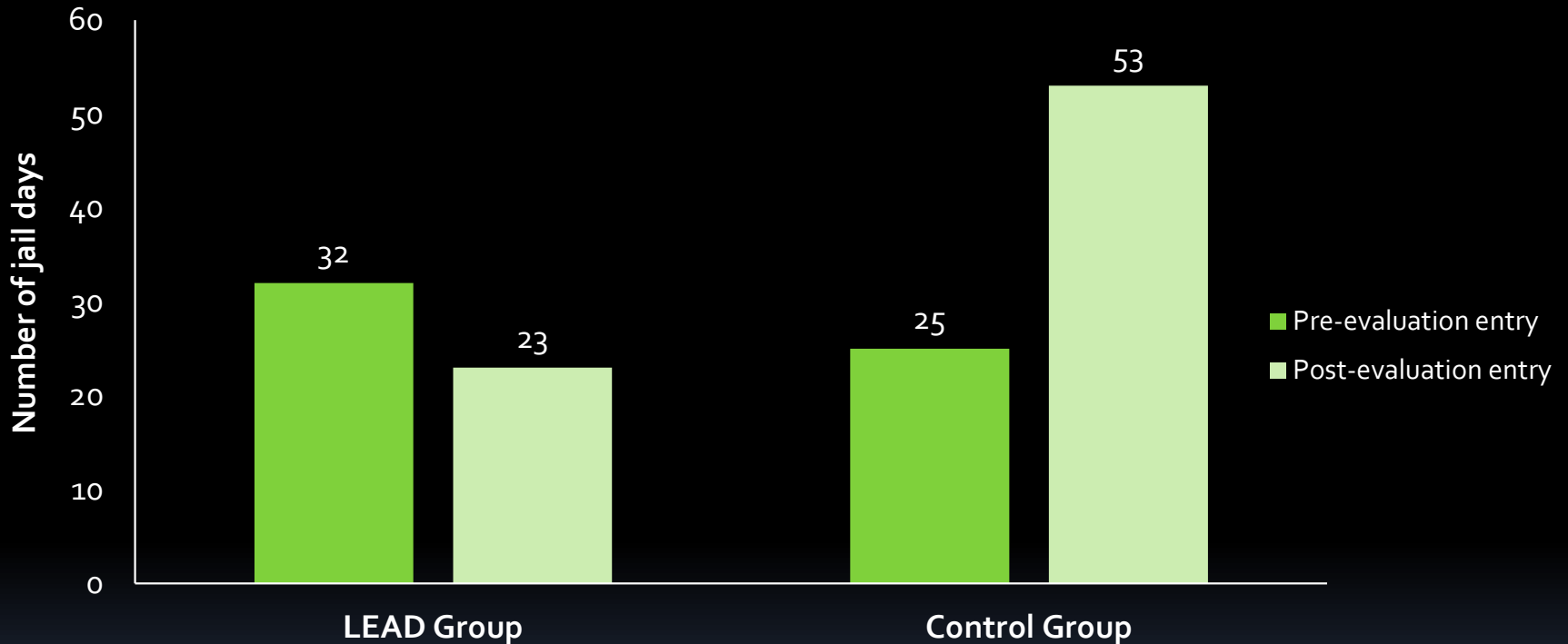
LEAD participants were 39% less likely to have a felony charge than control participants.

LEAD Evaluation Results:

## **LEAD EFFECTS ON COSTS ASSOCIATED WITH SYSTEMS UTILIZATION**

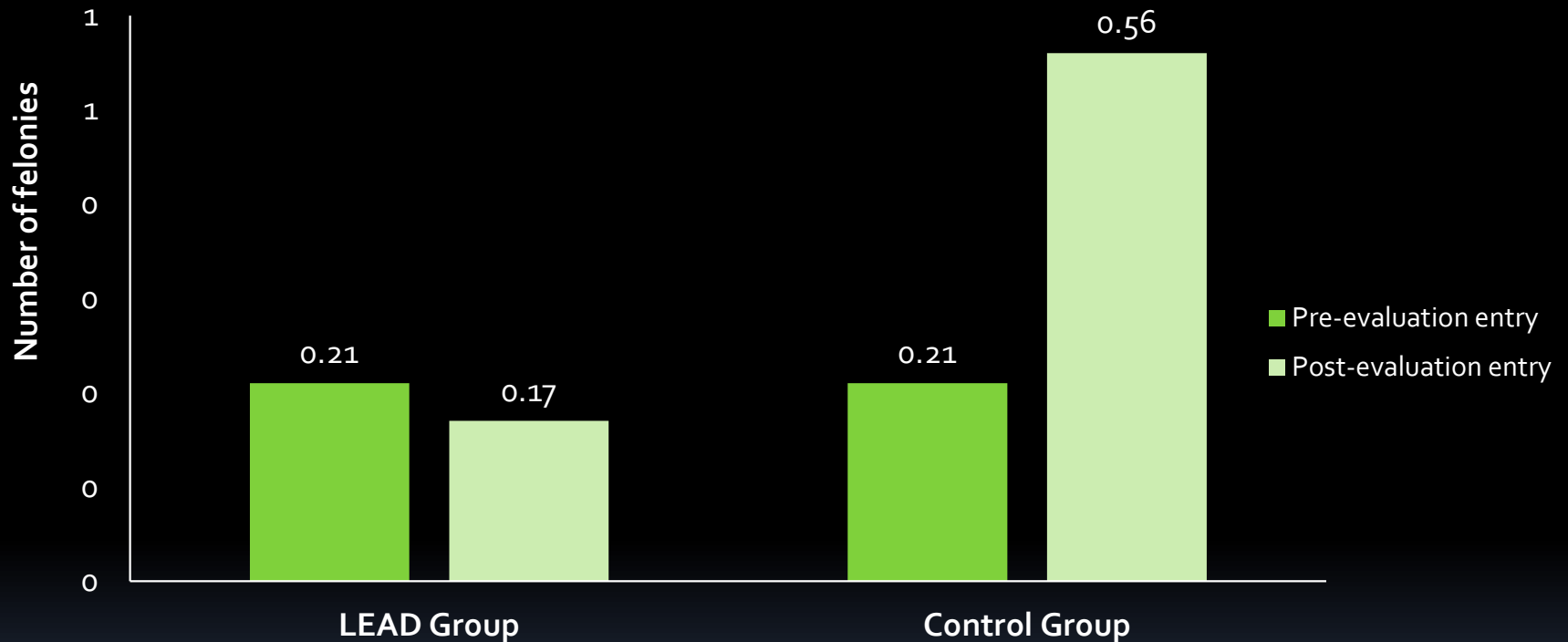


# LEAD effects on incarceration



**LEAD participants showed greater reductions in jail bookings, jail days and prison days than control participants.**

# LEAD effects on felony cases



**LEAD participants showed greater reductions in jail bookings, jail days and prison days than control participants.**

# LEAD effects on system costs



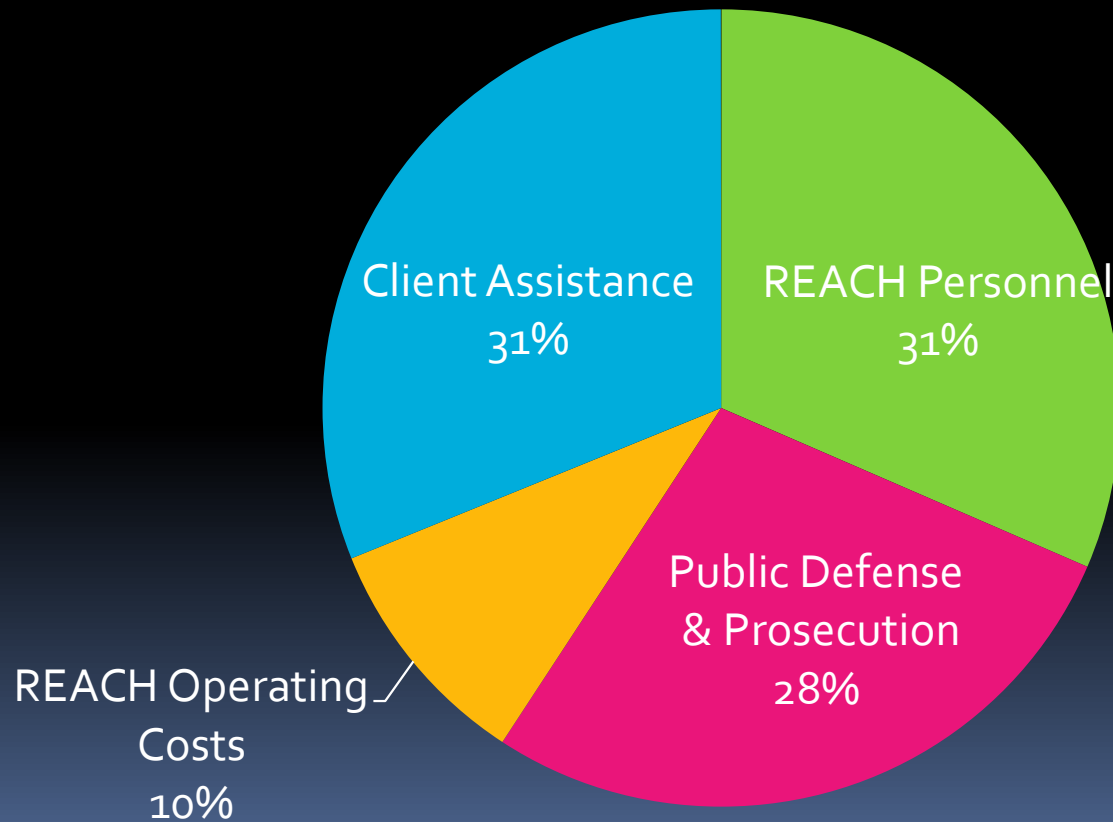
**LEAD participants showed greater reductions in costs associated with criminal justice and legal system utilization than control participants.**

LEAD Evaluation Results:

# **LEAD START-UP & IMPLEMENTATION COSTS**

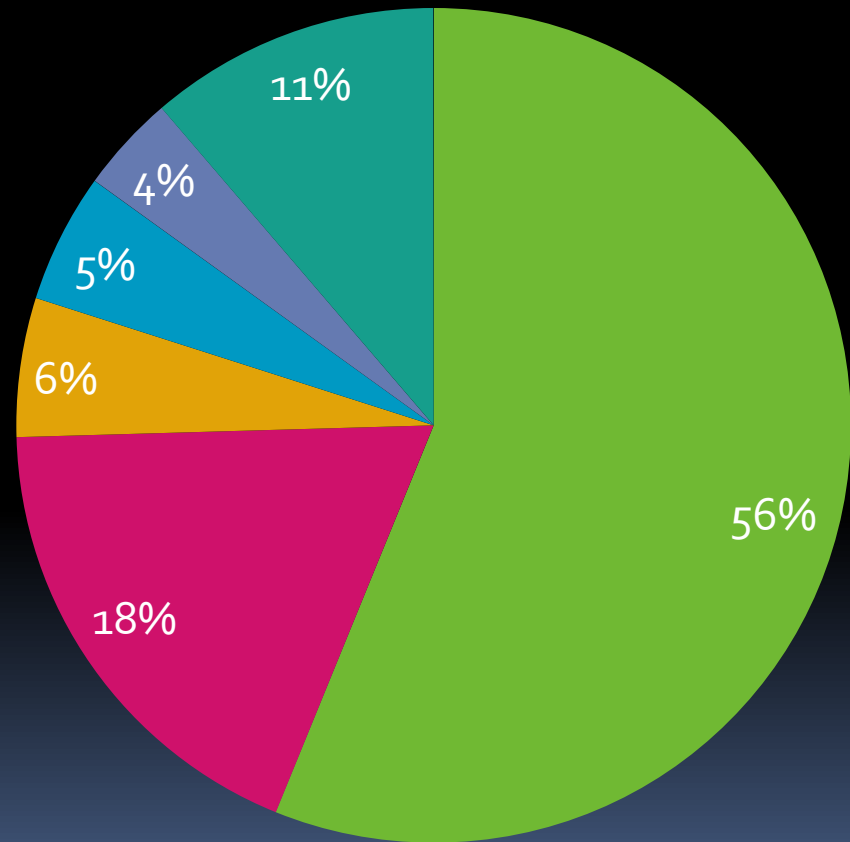
# LEAD Overall Program Costs

Total LEAD program costs =\$2.28million or roughly \$1 million per year (\$947K)

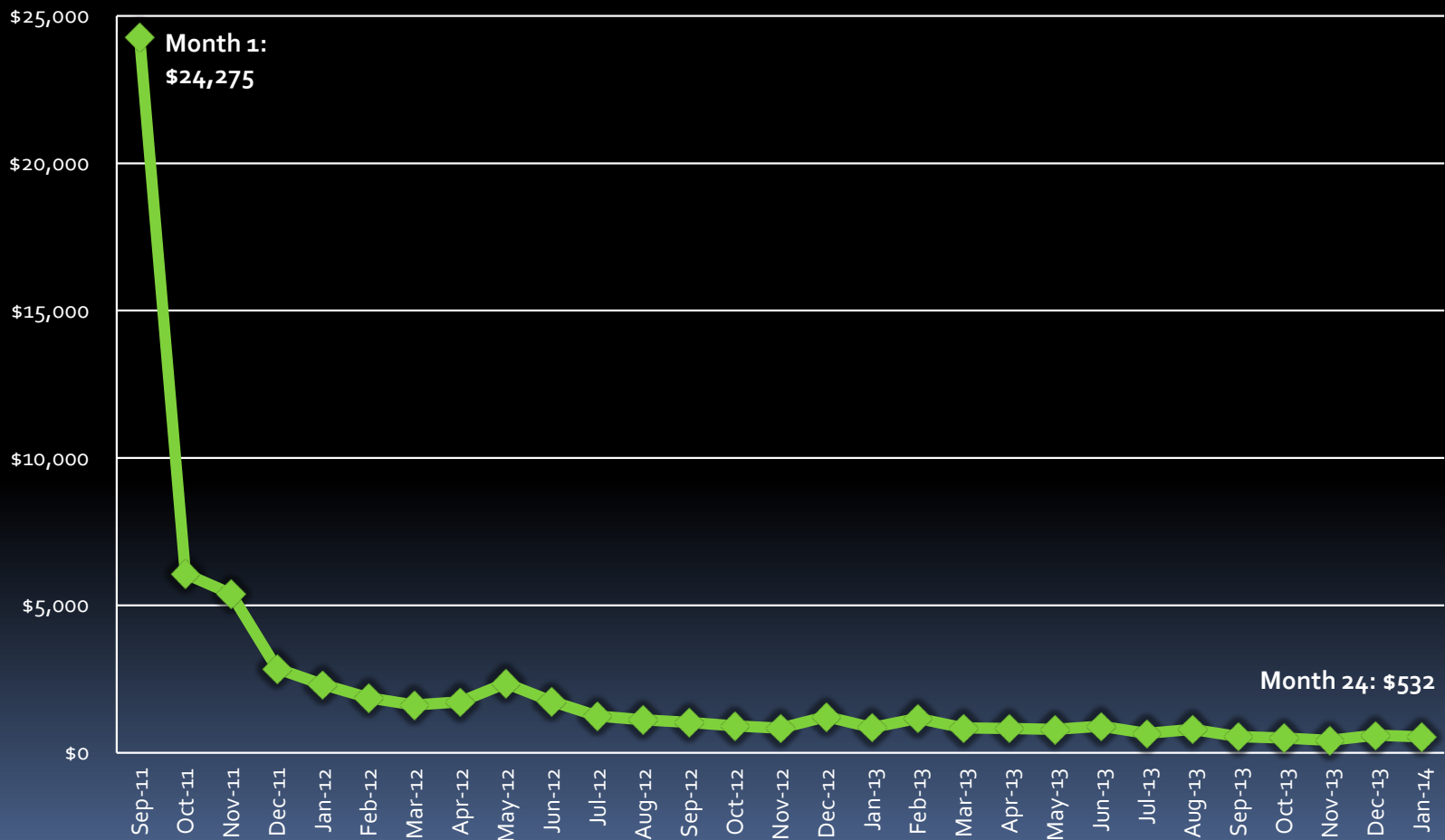


# Client Assistance

- Motel/Interim Housing
- Rental/Housing
- Food
- Education/Training
- Bus Tickets
- Other Client Expenses



# Average monthly per person LEAD program costs



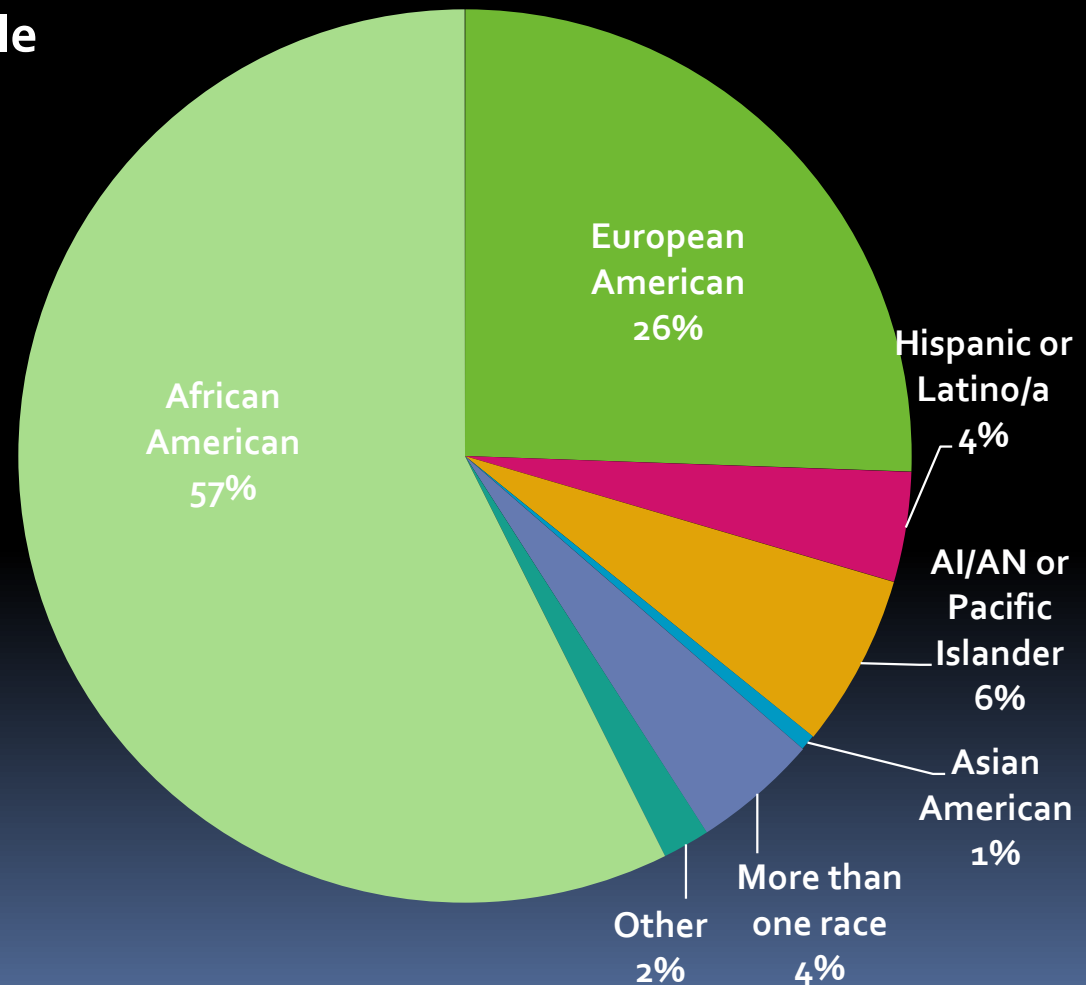
LEAD Evaluation Results:

# **HOUSING, EMPLOYMENT AND INCOME/BENEFIT OUTCOMES**

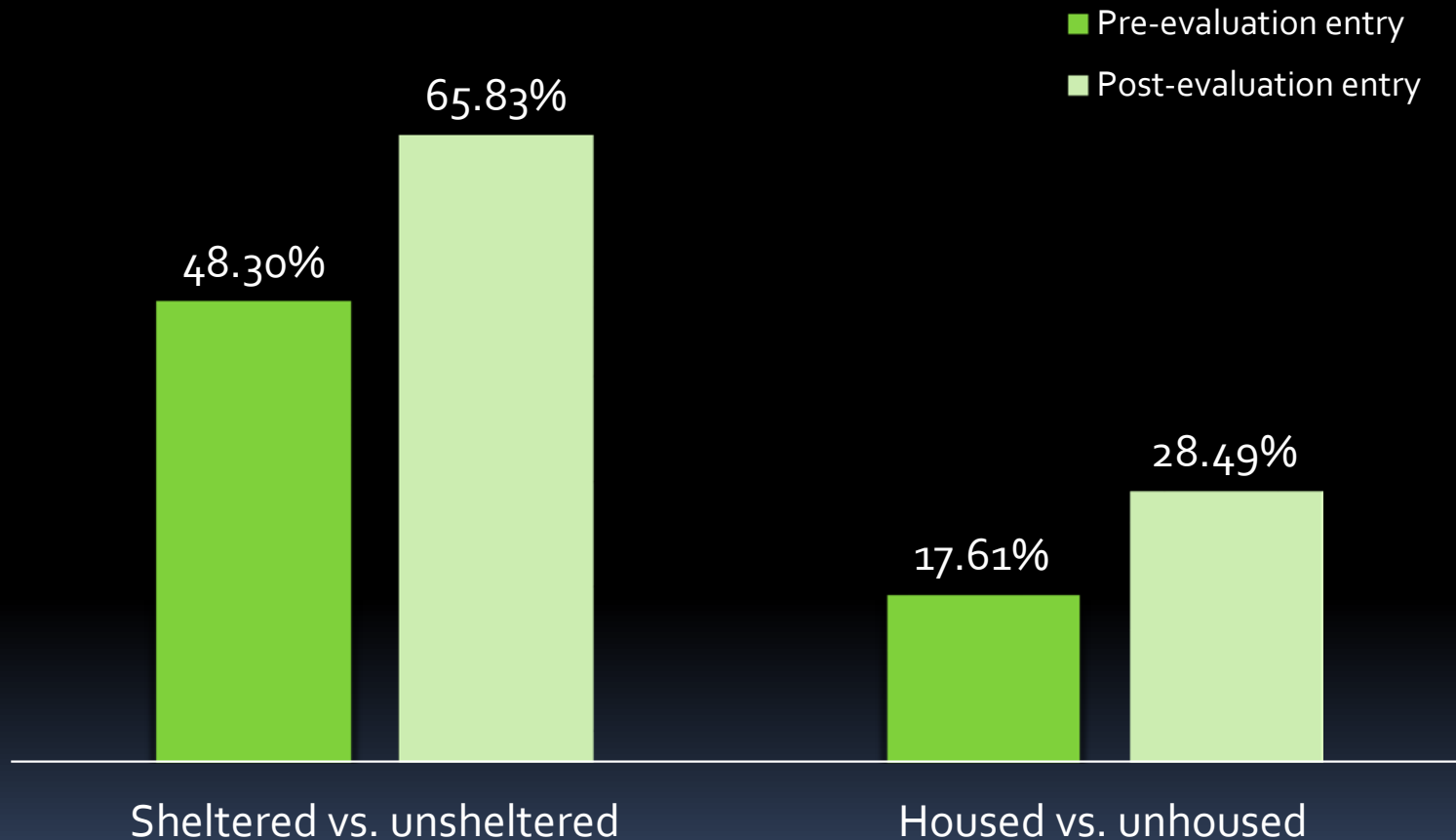


# Baseline sample demographics

- Out of the 318 original sample
  - ▣ 176 LEAD involved participants
- 39.20% female;  $n = 69$
- 82% Homeless
- Mean Age: 42.62 (11.01) yrs

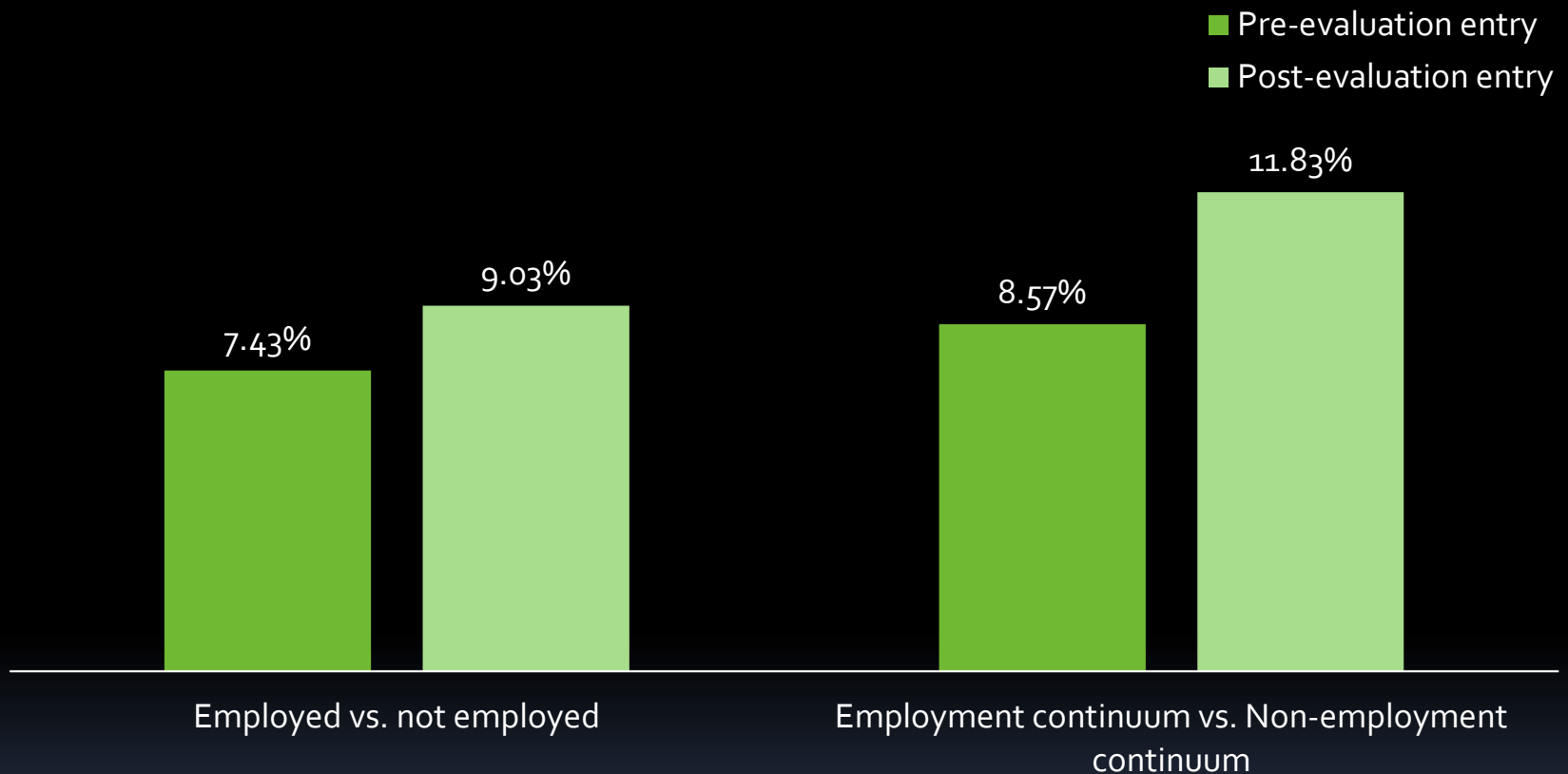


# Housing outcomes



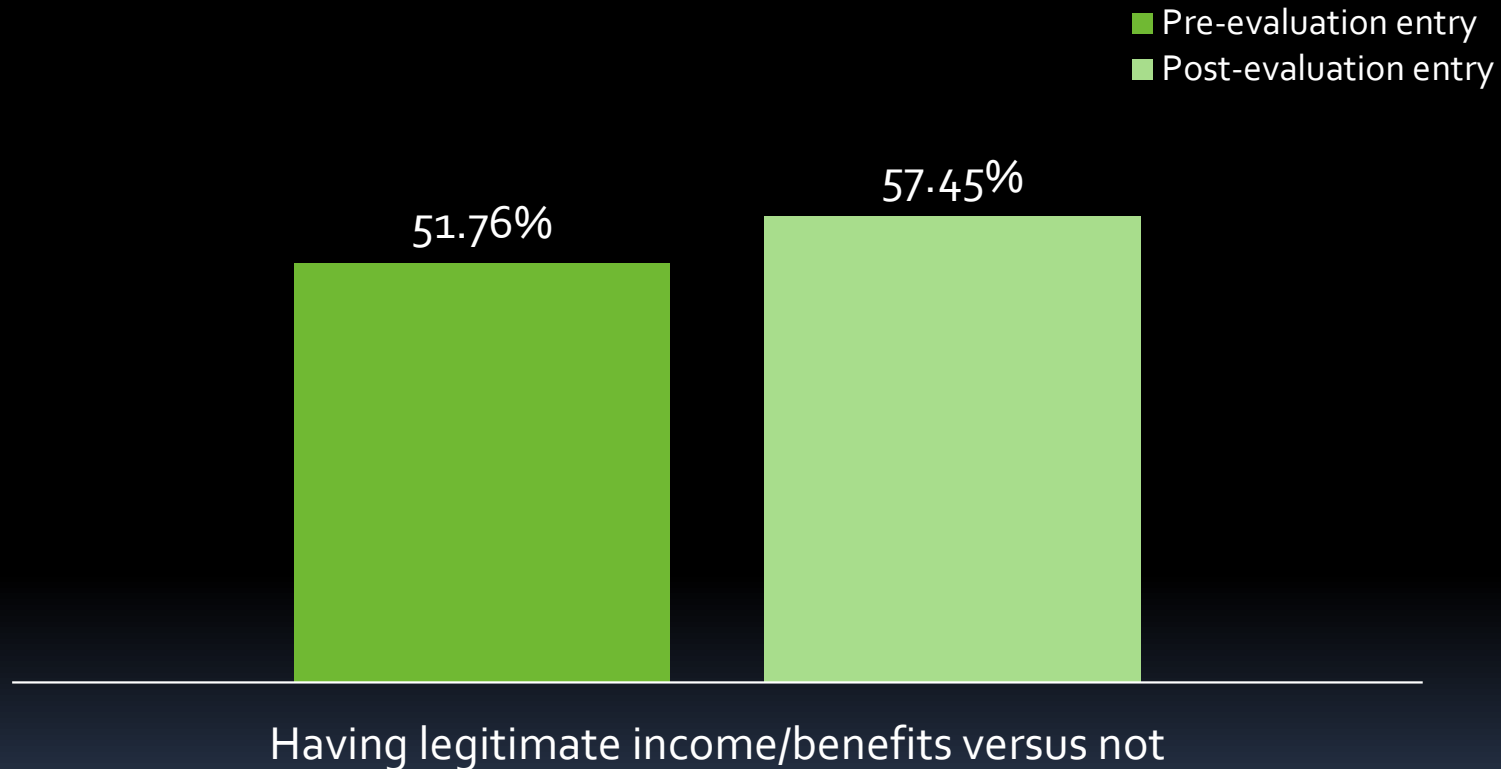
Each contact with a LEAD case manager was associated with a 2% higher likelihood of being sheltered and a 5% higher likelihood of being housed.

# Employment Outcomes



LEAD participants were 46% more likely to be on the employment continuum (i.e., in vocational training, employed in the legitimate market, retired) at follow-up versus baseline.

# Income Benefits Outcomes



LEAD participants were 33% more likely to have received legitimate income/benefits during the follow-up versus at baseline

# Associations with recidivism

- For each additional month housed, participants were 17% less likely to have been arrested during the 6-month follow-up.
- For each additional month spent on the continuum to employment participants were 41% less likely to have been arrested

# Caveats



# Conclusions



# Acknowledgments

## LEAD evaluation advisory committee

- Mark Baird
- Mary Barbosa
- Mark Cooke
- Clifton Curry
- Kelley Craig
- Lisa Daugaard
- Chloe Gale
- Ian Goodhew
- Ron Jackson
- Jutta Joesch
- Anita Khandelwal
- Kris Nyrop
- Christa Valles
- Natalie Walton-Anderson
- Mike West

## Laura and John Arnold Foundation

- This evaluation was funded by a grant from the Laura and John Arnold Foundation to Drs. Collins and Clifasefi.
- Special thanks to: Matt Alsdorf, Erica Gersowitz and Dr. Cynthia Lum

## University of Washington HaRRT Center

- Dr. Heather Lonczak
- Gail Hoffman
- Emily Taylor
- Angie Woodstock
- Sara Hoang

We also acknowledge additional assistance from the King County Prosecutor's Office, the King County Department of Adult and Juvenile Detention, the SPD Narcotics Unit, and the Evergreen Treatment Services'



For more information regarding these slides,  
please contact:

Susan E. Collins, PhD  
University of Washington – Harborview Medical Center  
325 Ninth Avenue, Box 359911  
Seattle, WA 98104  
Tel: 206-832-7885  
collinss@uw.edu  
<https://catalysttools.washington.edu/workspace/collinss/9542>



[Blank Page]



**Metropolitan King County Council  
Budget Panel Discussion 2019-2020**

**EQUITY AND JUSTICE FOR ALL**

Panel Meeting #2 | October 25, 2018  
Staff: Jenny Giambattista and Clifton Curry

**BARRIERS TO SUCCESSFUL REENTRY AND THE CRIMINAL JUSTICE SYSTEM**

- How do we alleviate the burden of bail? Can the county establish a “Public Bail Fund”?
- How can we eliminate barriers to re-entry, such as Legal Financial Obligations, civil penalties, and fines, for individuals in the criminal justice system?
- How can we implement incentives for the county's criminal justice agencies to eliminate barriers to re-entry?

Today's panel will include the following presenters listed below. Staff have listed the key topics each panelist will discuss.

- **Judge Theresa Doyle, King County Superior Court**
  - Harms of pretrial incarceration, the hardship of bail, and the challenge of reentry
  - Court Rule 3.2, which presumes release and least restrictive alternatives which comports with federal constitutional law
  - Recommendations
- **Anita Khandelwal, Director, Department of Public Defense**
  - Recommendations for alleviating the burden of the bail
- **Mark Larson, Chief Deputy Criminal Division, Prosecuting Attorney's Office**
  - What factors are considered when prosecutors make bail recommendations?
  - Practice changes that can reduce the impact of bail—summons rather than warrants
- **Patty Noble-Desy, Recidivism Reduction and Reentry Senior Project Manager, Office of Performance, Strategy and Budget**
  - What can King County do to reduce barriers to re-entry?
- **Judge O'Donnell, Chief Criminal Judge, King County Superior Court**
  - What do judges need in order to release more defendants without bail who do not need to be held for public safety reasons?
  - Washington Pretrial Reform Taskforce
  - Improving Community Center for Alternative Program (CCAP)
  - Text messages

## **BACKGROUND**

***Bail Reform*** There are many well documented reports on the disproportionate negative impacts of bail on low-income minority defendants.<sup>1</sup> The money bail system can lead to longer jail times, and cascading series of consequences such as the loss of job, stability, family trauma, more likely to accept a plea and more likely to plead guilty. Bail functions differently in jurisdictions depending on factors such as state law, local court rules, law enforcement practices, the prosecutor's filing standards, diversion programs, and the availability of pretrial services. While there are many articles and reports on bail reform, Council staff did not identify an analysis specific to King County.

***Legal framework of bail in Washington State*** Article 1, Section 20 of the Washington State Constitution guarantees the right to bail for most criminal defendants. Exceptions to the right to bail are provided by ESHJR 4220<sup>2</sup> to provide that a judge may also deny bail if: (1) the defendant is charged with an offense punishable by the possibility of life in prison; and (2) clear and convincing evidence shows a propensity for violence that creates a substantial likelihood of danger to the community or another person.

Pretrial release procedures are primarily governed by Washington State Court Rule 3.2 (Attachment 3). In a noncapital case, there is a presumption that the accused should be released on personal recognizance unless the court determines that either: (1) the release on recognizance will not reasonably assure that the accused will appear; or (2) there is a likely danger that the accused will commit a violent crime or interfere with the administration of justice. The rule provides the court with factors to consider in determining whether the accused is a flight risk or likely dangerous. If these conditions are found, the court may impose the least restrictive conditions of release.

***Pre-sentence Jail Population in King County*** The data in this section provides a limited view of the pre-sentence jail population in King County.<sup>3</sup> Additional data and analysis is needed in order to quantitatively understand from an equity and social justice perspective how bail is being used and how it is impacting defendants in King County. Such an analysis would be enhanced by an integrated approach which uses data from the Prosecuting Attorney's Office, the Courts, and the Department of Adult and Juvenile Detention (DAJD).

Data tables supporting these bullets can be found in Attachments 7 through 13:

- The pre-sentence average daily population between October 2017 and September 2018 is 79 percent (1,670)<sup>4</sup> of the total daily average population of 2,119.

---

<sup>1</sup> See Attachment 2 for a comprehensive list of materials on bail reform

<sup>2</sup> ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION 4220, 61st Legislature, 2010 Regular Session

<sup>3</sup> All of the data in this analysis is from the Department of Adult and Juvenile Detention

<sup>4</sup> This includes instances where pre-sentence time served counts towards time served post-conviction, inmates with post-sentence holds from the Department of Corrections, and investigation holds.

- Based on bookings, 50 percent of the pre-sentence bookings are misdemeanors, 13 percent are investigations,<sup>5</sup> and 36 percent are felonies.<sup>6</sup> (Attachments 8 and 9)
- Based on average daily population, 87 percent of pre-sentence inmates are in custody on felony charges, 12 percent on misdemeanor charges, and one percent on probable cause holds<sup>7</sup>. (Attachment 7)

(Note: the significant difference between the number of bookings and the average daily population reflects the fact that while many more misdemeanors than felonies are booked, misdemeanors are released much faster and thus lower the percentage of misdemeanants in the average daily population is lower.)

- The largest share (49 percent) of pre-sentence misdemeanants are under the jurisdiction of the Seattle Municipal Court. (Attachment 10)

#### Preliminary data for Violent versus Non-Violent Offenses in Pre-Sentence Population

Council staff requested DAJD report pre-sentence average daily population by violent or non-violent offense. DAJD does not normally characterize the data in this way. To respond to this request, DAJD categorized offenses as violent or non-violent using what they consider to be common, colloquial understanding of which offenses are considered “violent.”<sup>8</sup> Thus, the DAJD categorizations may differ from statutory definition of a violent crime in RCW 9.94A.035. The statute considers only Class A and specified other felonies as “violent.” DAJD categorized all misdemeanor assaults and felony assaults as “violent.”

Using the DAJD categorization, 42 percent of pre-sentence average daily population are charged with a violent offense and 58 percent are charged with a non-violent offenses. (Attachment 7) However, there is some uncertainty with the accuracy of these numbers because these numbers assume that 302 felonies (18 percent of ADP pre-sentenced population) that are classified as “other” are non-violent. DAJD reports these “other offenses” were problematic to classify. They are a mix of harassment charges, data entry errors, and offenses that don’t fit the standard categories. The PAO expressed some concern that some of “other” charges may be violent. To address this concern, council staff ran additional calculations assuming that 150 of these felony “other” offenses are considered “violent.” In doing so, the percentage of pre-sentence ADP with a violent offense increases to 51 percent and the percentage with non-violent offenses is reduced to 49 percent. Further manual review of these 302 felonies would be necessary in order to get an accurate count.

---

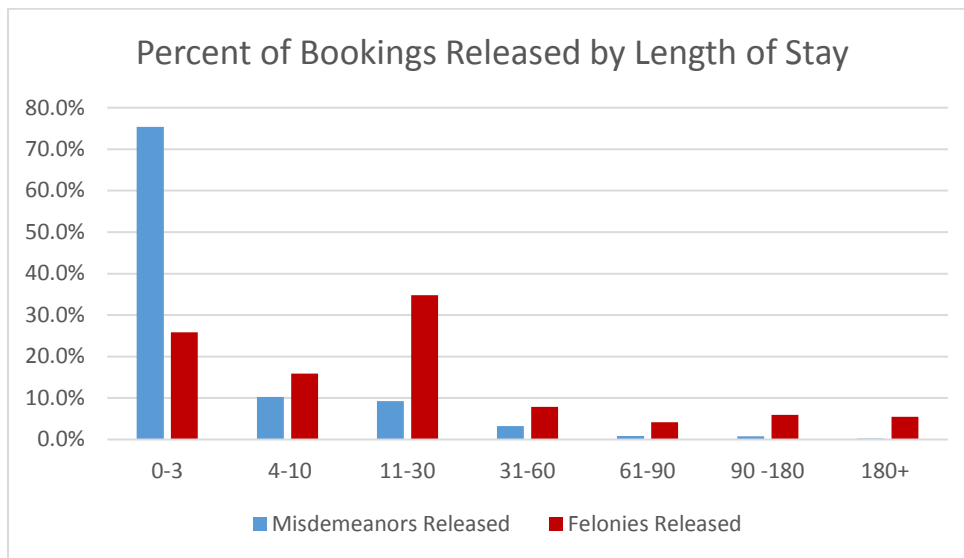
<sup>5</sup> An investigation hold is when a defendant is held pending further police investigation and potential PAO filing of charges. Defendants can be held up to 72 hours on an investigation hold.

<sup>6</sup> The data reflects charges at the time booking. If a felony is reduced to a misdemeanor, for purposes of this analysis it is considered a felony.

<sup>7</sup> Arrest with the expectation of charges being filed

<sup>8</sup> The following offenses as violent: assault, homicide, robbery, sex-crimes, domestic violence. (The category of “Domestic Violence” is for violations of a domestic violence protection order, not for all charges which carry a domestic violence indicator. So, all Assault IV DV would show up in the Misdemeanor Assault category, not the domestic violence category.) The following offenses are classified as Non-violent: prostitution, drugs, criminal trespass, drugs, criminal trespass, non-compliance, other (about 1/3 are harassment charges), property, traffic (non-alcohol)

## Length of Stay Total Population



- Of the 16,972 total misdemeanor bookings, 12,792 (75%) were released within 3 days and 41 stayed 6 months or longer. (Attachment 11)
- Misdemeanant defendants were held for a median of 1 day or an average of 4 days. For felonies, the average pre-sentence length of stay was 45 days and a median of 12 days. (Attachments 11 and 12)
- Of the 14,514 total felony bookings, 3750 were released in 3 days and 795 stayed longer than 6 months. (Attachment 12)

**From Jail Back into the Community** ‘Reentry’ refers to the process of transition of individuals from jail back into the community after leaving incarceration. In King County, a significant proportion of those booked into jail have substance use disorder, are mentally ill, have been homeless, and have no work or other financial resources. As a consequence, successful reintegration for these individuals back into the community from jail requires that the released individual obtains stable housing and employment; receives services for and works toward mental health and/or chemical dependency recovery; and, is provided with the tools to not to engage in future criminal behavior, such as education, therapy, and transition services. Reentry programs typically direct resources at one or more of these specific areas of need.<sup>9</sup> As noted above, most persons who are booked into County facilities are released back into the community, either while awaiting adjudication or after the completion of a sentence.

Addressing the needs of vulnerable populations has been a priority in King County over many years. The result is that the County has worked to develop the resources upon which a comprehensive and well-coordinated reentry system can be built. For example, the Adult Justice Operational Master Plan (AJOMP) was approved by the King County

<sup>9</sup> Offender Reentry, National Institutes of Justice, U.S. Department of Justice, <https://nij.gov/topics/corrections/reentry/Pages/welcome.aspx>.

Council in July 2002,<sup>10</sup> in order to reduce the use of the King County Jail by placing specific policies on how secure detention could be used, restricting the use of the jail to offenders who are a public safety or flight risk or offenders who have failed other intermediate sanctions. The County also created the Department of Adult and Juvenile Detention's Community Corrections Division (CCD) and the Community and Human Services Division's Criminal Justice Initiative.<sup>11</sup> Established in 2002, CCD operates a range of programs, including Work Education Release, Electronic Home Detention, Community Center for Alternative Programs (CCAP), Community Work Program, and Helping Hands Program.<sup>12</sup>

Another major direction developed as part of the AJOMP process was the stated policy requiring coordination of law and justice agencies to promote integration of human and health services to reduce jail secure detention population and to achieve lower rates of recidivism. The adopted policies and recommendations of the Adult and Juvenile Justice Operational Master Plans, the Framework Policies for Human Services, the Veterans and Human Services Levy, and the Mental Illness and Drug Dependency Plan, and the County's Strategic Plan attempt to coordinate human services and criminal justice activities together to reduce recidivism (many of these initiatives measure a human services' efficacy by measuring reductions in the program's clients use of jail).<sup>13</sup>

In developing the 2014 Budget, the Executive made a request for a TLT to coordinate recidivism reduction and reentry projects across the County, develop a reentry/recidivism strategy, and evaluate existing projects for unknown and unintended equity and social justice affects in the Office of Performance, Strategy and Budget (PSB). The Council approved the request and that position has subsequently become permanent.

Since the creation of the position, the program manager has established the Recidivism and Reentry Policy Work Group, comprised of county, state, and community representatives that have been meeting to understand best practices, identify governmental/community resources, county strengths/weaknesses, and ultimately plan to use these efforts to develop a work plan for the county.

In 2015 the council authorized and funded DAJD to procure an information technology solution that will allow it to track and evaluate individuals leaving secure detention to improve program outcome and develop new alternatives that reduce recidivism. DAJD and the Office of the Executive recommended to the King County Recidivism Reduction and Reentry Policy Work Team that the development of such an IT system would need to include the evidence-based principles that are known to reduce recidivism. The theory of change for this work is known as the Principle of Risk-Need-Responsivity.<sup>14</sup> The initial step in this work is to fully assess individual needs so that programs, intervention and treatment matching can occur, which is shown to produce better client outcomes.

---

<sup>10</sup> Ordinance 14430.

<sup>11</sup> Ordinance 14561, Section 8, Adopted December 16, 2002. K.C.C. 2.16.122.

<sup>12</sup> Community Corrections Division—Alternatives and Services, Department of Adult and Juvenile Detention, <http://kingcounty.gov/depts/jails/community-corrections/programs.aspx>

<sup>13</sup> Ordinance 14430, Section 5.

<sup>14</sup> James Bonta and D.A. Andrews, "Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation," Public Safety Canada, 2007.

To develop this system, the County entered into a contract with the Washington State University (WSU) - Institute for Criminal Justice, to develop a validated instrument that could address multiple King County criminal justice system needs and provide a variety of reporting functions. Using over 10,000 King County client records from DAJD and state Office of the Administrator of the Court, WSU developed a county-specific tool that provides the foundation for implementing evidence based interventions and meets the IT requirements to track and evaluate individual outcomes.

The new system will allow Personal Recognizance (PR) Investigators at the jail to conduct the PR Interview using a new standardized process and questionnaire. This work provides the Personal Recognizance Court Report—given to judges--which includes the same data that the courts currently receive from Court Services yet in an updated and more user friendly format. In addition, at intake for CCAP Enhanced, CCAP Case Workers administer the Needs Screen prior to program assignment. The Needs Screen generates an individualized report that is used by CCAP to make needs based referrals and recommendations for program dosage (intensity). Also, Jail Health Release Planners will complete the Needs Screen and use that information in developing appropriate, needs based community release plans. Finally, DAJD Program Staff, are making plans to complete the Needs Screen as the initial part of referral to jail based programs.

## **ATTACHMENTS**

1. Josh Kelety, *Locked Up and Poor* Seattle Weekly, September 25, 2018
2. Judge Theresa Doyle, reference list of materials related to bail reform, judicial implicit bias, and risk assessment.
3. Washington Court Rule 3.2
4. Judge Theresa Doyle, *Fixing the Money Bail System*, King County Bar Bulletin (April 2016)
5. Jason Tashea, *Text Message reminders are a cheap and effective way to reduce pretrial detention*, ABA Journal (July 17, 2018)
6. List of budget investments impacting re-entry or pretrial
7. King County average daily pre-sentence jail population by offense type and category between October 2017 and September 2018
8. King County jail number of misdemeanor releases by offense type and sentence status between October 2017 and September 2018
9. King County jail number of felony releases by offense type and sentence status between October 2017 and September 2018
10. Average daily pre-sentence jail population by court and offense type between October 2017 and September 2018
11. King County jail number of misdemeanor releases by offense type, sentence status, and length of stay between October 2017 and September 2018
12. King County jail number of felony releases by offense type, sentence status, and length of stay between October 2017 and September 2018
13. King County jail number releases by race and length of stay between October 2017 and September 2018
14. Patty Noble-Desy Reentry Talking Points



## **INVITED**

1. Theresa B. Doyle, Judge, King County Superior Court
2. Anita Khandelwal, Director, Department of Public Defense
3. Mark Larson, Chief Deputy Criminal Division, Prosecuting Attorney's Office
4. Patty Noble-Desy, Recidivism Reduction and Reentry – Senior Project Manager, Office of Performance, Strategy & Budget
5. Sean O'Donnell, Chief Criminal Judge, King County Superior Court

[Blank Page]



Illustration by Joshua Boulet

## SPECIAL REPORT

# Locked Up and Poor

King County and Seattle courts use money bail to incarcerate defendants before trial. Should the system be reformed?

Roughly six days a week, recently arrested defendants in the King County jail in downtown Seattle stand before judges to be arraigned and, potentially, held in jail on money bail — often with little to no regard of their ability to pay it.

Money bail is a mechanism long employed and sanctioned by the Seattle and King County criminal-justice systems as well as in jurisdictions across the state and nation. Judges often set money bail in high figures to detain defendants, ensure they show up in court, and deter them from committing violent crimes.

But the system has come under fire by those who argue that bail unfairly imprisons poor and minority defendants, pushes defendants to plead guilty to charges regardless of their innocence, causes incarcerated defendants to lose their jobs and housing, fuels a bail-bond industry that [profits off the incarceration of poor defendants](#), and ultimately doesn't serve public safety goals.

And the data largely bears this out. As of 2016, 65 percent of all inmates in city and county jails nationwide were non-convicted defendants, [according to the U.S. Department of Justice](#). These same pretrial defendants account for the rapid growth in [jail populations](#) across the country in the 1980s and 1990s. Research has found that black defendants get pegged with higher money bail amounts than whites accused of similar offenses, and that defendants held on bail garner harsher sentences than non-incarcerated defendants facing similar charges.

States such as [New Jersey](#), [New Mexico](#), and [Kentucky](#) have restricted the use of cash bail, while [California has completely eliminated it](#)—instead requiring courts to decide whether to keep a defendant in custody or release them on conditions to await trial.

Local public defenders have long held the position that money bail is, at its core, unfair.

“It’s innately flawed,” Anita Khandelwal, interim director of the King County Department of Public Defense, told *Seattle Weekly*. “Because a rich person charged with a crime has bail set at \$100,000 is able to leave jail and a poor person charged with that same crime can’t.”

The bail amounts requested by prosecutors depend on the seriousness of the charge along with the defendant’s criminal history and record of meeting court conditions, such as showing up to court dates and obeying no-contact orders.

In King County Superior Court, prosecutors’ bail requests for defendants facing felony charges (including armed robbery, domestic violence, and drug possession with intent to sell) can range from \$5,000 to over \$250,000, according to recent case filings compiled by the county Department of Public Defense.

In Seattle Municipal Court, where strictly low-level misdemeanor cases are handled, prosecutors’ bail requests for minor charges such as criminal trespass and theft usually amount to around \$1,000 or less, public defenders claim. Defendants facing misdemeanor domestic violence charges can garner up to \$10,000 bail requests.

Some public defenders say prosecutors shouldn’t even file low-level offenses such as criminal trespass and theft.

”People come out with criminal convictions and criminal histories that make it harder for them to rehabilitate and increases recidivism,” Khandelwal said. “Those cases don’t belong in the system at all.”

### **‘A Lot of Our Clients are Homeless’**

Most of the county jail inmates who cycle through Seattle Municipal Court are homeless or experience housing instability, according to Marci Comeau, a longtime public defender with the King County Department of Public Defense who frequently represents those defendants during their arraignments.

“The biggest problem for our clients isn’t that it’s \$1,000 or less,” Comeau said of money bail. “Our clients generally can’t pay any amount.”

Comeau recalled a recent a client who was arrested on a bench warrant for missing a court date.

“I remember he had a reasonable excuse on why he had missed the court date, and it was sleeping in a park,” she said. “A lot of our clients are homeless and it is not easy for them to keep track of court dates.”

In court, the city asked for bail because of her client’s bench warrant. The judge granted it, and the client eventually pleaded guilty because he didn’t want to spend more time in jail.

“Those are the kind of cases that are really hard because if he had been a person of even moderate means, he would have been able to exercise his right to go to trial, a right we’re all supposed to have,” Comeau said. “But because he is poor and homeless, he now has a conviction on his record.”

During a recent arraignment in Seattle Municipal Court, defendant James Mammes was charged with stealing hats, socks, and pants from the TJ Maxx in downtown Seattle. Mammes had missed some of his recent court obligations. His defender argued against the imposition of bail, and told the presiding magistrate judge—magistrates serve as appointed unofficial judges in low-level court proceedings—that Mammes was homeless and lacked a violent criminal history.

But the magistrate judge pointed to his extensive list of bench warrants, which are arrest warrants issued by the court if a defendant fails to appear. Mammes’ bail was maintained at \$500.

Mammes, obviously distressed at the prospect of being detained, repeatedly asked why he couldn’t be released.

“I already told you. You don’t come to court,” replied Mary Lynch, the magistrate judge. Absent from her response was any inquiry into the defendant’s ability to post bail.

Mammes was quickly escorted out of the courtroom, and another red jumpsuit-clad inmate took his place.

Another defendant, David Arlotta, had his bail maintained at \$5,000 because of outstanding warrants stemming from charges of obstruction of a police officer and theft. One public defender who was present told *Seattle Weekly* after the court session ended that it had been one of the better days for their defendants.

## Up to the Judge

Per the state constitution, Washington is a right-to-bail state. And while statewide court rules give an explicit “presumption of release” for all defendants (except those accused of capital crimes), bail is permitted if defendants are deemed by judges to be at risk of not showing up to court, committing a violent crime during the length of their case, or impeding the court proceedings, such as tampering with witnesses.

The rules also note that judges “must consider [the] accused’s financial resources” when setting bail and that the “least restrictive” option, such as electronic home monitoring, be pursued when trying to ensure a defendant’s appearance in court.

In theory, the rules governing courtroom practices statewide prioritize the release of defendants, but also allow for pretrial incarceration of defendants under money bail if judges think it’s warranted.

Despite the existence of the court rule, bail practices in Washington state constitute a “two-tiered” criminal justice system, according to a 2016 report from the American Civil Liberties Union.

“In Washington counties where data is available, approximately 60 percent of the people in county jails at any given time — thousands of people — have not been convicted of a crime,” [the ACLU report reads](#). “They are locked in jail simply because they cannot afford the amount of bail set by the judge. This high rate of pretrial detention exists despite the fact that Washington court rules generally mandate the release of people accused of crimes before trial.”

The report continues: “Judges in Washington often impose bail at an amount much higher than many people can afford to pay, and without consideration of individual financial circumstances and resources. This

practice is a glaring example of the reality that for people facing criminal charges in our state, there are two systems: one for the wealthy and one for the poor.”

Judges in all courts frequently only have minutes to decide whether to hold or release a defendant, and arraignment calendars are packed. Relying on a systematic way of evaluating defendants — such as strictly by their criminal history and record of failures to appear — can become a way for judges to navigate their calendars efficiently.

Arraignments for individual defendants take, at most, 10 minutes, and courts are routinely expected to move through more than 20 inmates in a few hours. Judges usually only have access to police incident reports and defendants’ criminal histories when making their decisions about release.

“We only have, virtually, seconds, to review that information,” said Ed McKenna, a presiding judge at Seattle Municipal Court. “We don’t have adequate information in many cases.”

“There has to be a mechanism to bring defendants to court and to protect the public against violent offenders,” he added. “Bail, it’s not always effective. It benefits many people. But it hurts a lot more.”

Seattle Municipal Court judges have limited options to keep defendants out of jail, but still ensure their appearance in court. Defendants can only be mandated to day-reporting at a resource center in downtown Seattle or given electronic home monitoring. The latter requires that defendants have a home and resources to pay for the costs of wearing an ankle bracelet. Between 60 and 100 municipal court defendants are referred to home monitoring and day-reporting each month, according to court spokesperson Gary Ireland. The court uses an automated calling system to inform defendants several days in advance of an upcoming court date and is working on implementing a text-message reminder system by the end of 2018.

“Right now, we don’t have a whole lot of really great tools to ensure defendants return to court,” McKenna said. “If we can find a way to release a defendant in a way to ensure that defendants will come back to court, I think all judges would utilize that.”



Mark Larson, who oversees roughly 170 deputy prosecutors in the criminal division of the King County Prosecuting Attorney's Office, vigorously contests the notion that King County as a whole is incarcerating people more often than it's releasing them on various conditions like day reporting or electronic home monitoring.

Larson argued that the disparity between the roughly 12,000 defendants his office files annually and the estimated 1,600 non-convicted inmates held in county detention facilities on any given day as evidence that the system, is, if anything, lenient.

According to the King County Department of Adult and Juvenile Detention, the average length of incarceration for pre-sentence felony inmates is 40 days.

"I don't think this system is looking to jack people up and hold [them]," he said. "I think we have a great willingness to put people out in the community while we await trial."

Staff from both the Seattle City Attorney's Office and the King County Prosecutor's Office told *Seattle Weekly* that their attorneys largely prioritize a defendant's criminal history – including any history of failing to appear in court or meet other imposed conditions – over a given defendant's ability to realistically post bail.

As for non-violent defendants and chronic re-offenders who commit frequent property crimes (such as car prowls) driven by drug addiction, Larson said: "I don't want them in custody pretrial because I'm aware of those detrimental effects. I would love to sort of guard against those. But the community also demands some assurances that they're not committing new crimes."

## **Local Courts**

Local courts lack comprehensive and detailed data on how bail is being utilized on a regular basis, such as what types of defendants are garnering bail and for how much. There is also little information on how bail decisions are affecting the pretrial inmate population in county jails.

Based on available data, it's clear that local King County detention facilities are largely filled with defendants who have yet to be convicted.

While the total number of inmates in King County detention facilities has dropped significantly over the past two decades, about 75 percent of the average 2,124 adult inmates held on any given day in county jails are either pre-trial or currently on-trial, according to King County Department of Adult and Juvenile Detention spokesperson Linda Robson. Out of those roughly 1,600 inmates that are pretrial, the majority (68 percent) are defendants accused of felonies.

Spokespersons for King County Superior Court—which handles felony cases—and the county's Department of Adult and Juvenile Detention told *Seattle Weekly* that they had no way of determining how many of those inmates were held on bail. The estimated daily cost of keeping defendants in county detention facilities is \$189 per inmate.

How many of those inmates are held on bail amounts that they can't pay? Seattle Municipal Court alone has some idea how many of their defendants end up in that situation. According to data from Jan. 2017 through July 2018, the court keeps between 117 and 180 defendants with misdemeanor charges in the King County jail in downtown Seattle on bail holds. The City of Seattle contracts with King County to keep its detained municipal court defendants in the downtown Seattle county jail.

According to a 2015 internal court study of a small sample of municipal court defendants, 31 percent of defendants facing misdemeanor charges were held in jail after their arraignment because they couldn't post bail. That same study also found that 60 percent of the defendants included in the sample who did not post bail were homeless.

Dan Clark, assistant chief criminal deputy at the King County Prosecuting Attorney's Office, said his staff collaborated with the Department of Adult and Juvenile Detention to find out what portion of the county jail inmate population was held on bail amounts of \$1,000 or less. The result, according to their analysis, is less than one percent.

However, this stat doesn't provide much context to the true scope of the issue because many bail amounts set by Seattle and county judges frequently range from \$5,000 to the tens of thousands of dollars, depending on the severity of the charges against a defendant and whether they've missed court appearances in the past. For example, in March 2018, bail was set at \$5,000 by King County Superior Court for a defendant charged with retail theft from a Nordstrom who had a history of numerous drug possession charges, jail bookings, and bench warrants.

In Seattle Municipal Court rooms, the same logic applies. Kelly Harris, criminal division chief at the Seattle City Attorney's Office, told *Seattle Weekly* that his attorneys request bail amounts to ensure a given defendant "can't afford to set down that amount of money and walk away from court."

Harris added that his attorneys will adjust bail requests based on the known economic circumstances of a given defendant. Of the underlying problem that the bail system innately rewards rich defendants and jails poor defendants, Harris said: "That's always been the case."

Larson with the prosecutor's office said that his deputy attorneys will usually request a summons to court and not money bail in non-violent cases where defendants lack a substantial criminal history or record of missed court dates.

However, anecdotal observations from some public defenders contest that narrative. John Marlow, a felony attorney with the Department of Public Defense, told *Seattle Weekly* back in June: "I can only recall at most two cases [over the past several months] where a prosecutor has recommended to the court that they just issue a summons."

## **Bail Reform Options**

Amendments to the Washington state constitution — which is what would be required to eliminate the money bail entirely — require the approval of two-thirds of the Legislature and a vote of the people.

King County Superior Court Judge Theresa Doyle, an advocate for money bail reform, said it's unlikely the system can be written off the books entirely.

“For all practical purposes money bail is here to stay in Washington state,” Doyle told *Seattle Weekly*.

But some reform efforts are underway. In 2017, a statewide [Pretrial Reform Taskforce](#) consisting of prosecutors, judges, public defenders, and researchers was established to develop policy recommendations to expand pretrial release. Those recommendations are slated to be published in the coming months.

Seattle City Councilmember Lisa Herbold has also convened an interdepartmental workgroup with the City Attorney’s Office, the Seattle Municipal Court, and the King County Department of Public Defense to discuss how the city can reform its pretrial bail practices. This group is compiling a two-part report, and the second portion is due at the end of this year.

“It feels like there’s resistance to changing practices and I think resistance to an approach that challenges the courts right to make these determinations,” Councilmember Herbold told *Seattle Weekly* of her workgroup.

However, these conversations are just that — conversations. Part of the slow movement on the issue is due to the fact that bail has been baked into Washington’s criminal justice system for so long.

“If the practice is developed in the court among judges to do things a certain way ... that will continue until it’s interrupted,” Doyle said. “We’re kind of in the early stages of internalizing all that information about the very ill, counterproductive effects of pretrial incarceration.”

When it comes to bail, judges are concerned about public safety and ensuring defendants appear in court — except that they are the ones making the final call on whether a defendant goes free. And with that, particularly in cases of defendants accused of violent felonies, comes its own set of pressures on judges to prioritize public safety above civil liberties.

“If we make the wrong call in our prediction about whether this person is going to commit a violent crime, then we’re on the front page of the Seattle Times the next day,” Doyle said. “Judges are afraid of getting it wrong. We’re afraid of people being hurt by our decisions. And then there’s the reaction to that and that is unpleasant.”

Virtually all stakeholders—including prosecutors—point to beefing up services for defendants that can serve as alternatives to pretrial detention to reduce the local justice system’s reliance on money bail.

King County funds several pretrial alternative services, such as electronic home monitoring and the Community Center for Alternative Programs (CCAP), which is a Seattle-based facility where defendants can be referred in lieu of incarceration.

At CCAP, defendants are required to check in, and the program keeps them abreast of upcoming court dates or probation procedures. They can access case managers, on-site GED preparation classes, drug treatment, domestic violence education, and referrals to services in the broader community. In the past 12 months, just under 1,000 clients have been served by the program. CCAP also serves pretrial defendants and post-conviction individuals.

Some say CCAP is inadequate as a pretrial service to ensure defendants show up to court.

“CCAP’s design really is for the post-conviction world,” said Marcus Stubblefield, a criminal justice policy adviser to King County Executive Dow Constantine. “As a sort of a monitoring system to ensure people show up to court or help them not recidivate, that is not CCAP’s strength. It’s sort of a band-aid on that.”

As such, Constantine has not allocated additional funding in his 2019-2020 budget proposal to expand CCAP to the Maleng Regional Justice Center—the county’s other jail that holds roughly 40 percent of its inmates—despite calls from some stakeholders to do so. King County Superior Court already has funding for a text message reminder system, but hasn’t made it

mandatory for all defendants due to concerns from public defenders over their clients' privacy and that it could lead to pretrial detention for clients who receive text messages but still fail to appear in court.

Some have pointed to Spokane and Yakima counties, which utilized grant money to reform their pretrial detention practices partially through implementing “risk assessment tools,” which are essentially computer algorithms that utilize a defendant’s criminal conviction history, age, and record of failing to appear in court. These factors are used to quickly judge whether a candidate is likely to commit a violent crime or fail to appear in court if released.

So far, Spokane County has had mixed results—that jail population has remained largely stagnant—while Yakima County has experienced reduced racial disparities in defendants released pretrial, among other positive outcomes.

Khandelwal, interim director at the Department of Public Defense, argues that local governments should fund non-court based pretrial alternative services similar to the Law Enforcement Assisted Diversion (LEAD) program, which sends low-level drug and prostitution offenders to social workers instead of jails.

The line of thinking is that these defendants would be better served by case managers who can help them keep up with their court appearances, but also find services that could address some of the underlying issues – like drug addiction and homelessness – that cause them to end up in jail in the first place. LEAD case managers also don’t cut off services to clients if they relapse into drug use, unlike CCAP, which frequently requires that defendants submit random drug testing. A 2015 evaluation of LEAD found that participants in the program experienced improved outcomes in terms of jail bookings and time spent in jail.

But building up any kind of new or additional service alternatives to pretrial incarceration requires significant financial resources—and King County is already strapped for cash. Expanding CCAP services to the Maleng Regional Justice Center in Kent is estimated to cost between \$1.4 million and \$2.5 million annually.

“The constitutional, legal, and really the public policy issue with pretrial release is this: how much risk of a future event ... commission of a violent crime, witness tampering, or failure to appear in court, does it take, in a free democratic society, to warrant jailing a constitutionally presumed innocent person before trial,” Judge Doyle said. “That’s the essence of it.”

*This story has been updated.*



King County Correctional Facility is located at 500 5th Ave., Seattle. Photo by Josh Kelety

---

**SEATTLEWEEKLY**

© 2018, Seattle Weekly and Sound Publishing, Inc.

[Newsletters](#) | [What We Do](#) | [Privacy Policy](#) | [Terms of Use](#) | [Contact Us](#)

[Blank Page]



## Bail Reform, Judicial Implicit Bias, and Risk Assessments

*This list was prepared by Judge Theresa Doyle, for the 2018 American Judges Association fall conference.*

### Materials:

#### *On the Need for, and Possibility of, Pretrial Reform*

1. Jennifer Gonnerman, *Kalief Browder: 1993-2015*, The New Yorker (June 7, 2015), available at <https://www.newyorker.com/news/news-desk/kalief-browder-1993-2015>.
2. Nick Pinto, *The Bail Trap*, New York Times Magazine (August 13, 2015), available at <https://www.nytimes.com/2015/08/16/magazine/the-bail-trap.html>.
3. Video: *Lavette's Choice* <https://youtu.be/E0LFFXt5D0E>
  - a. Related blog: Zave Martohardjono, *Lavette's Choice* (Feb. 8, 2018) <https://www.aclu.org/blog/smart-justice/lavettes-choice>
4. Peter Wagner and Wendy Sawyer, *Mass Incarceration: The Whole Pie 2018* Prison Policy Initiative (March 14, 2018), available at <https://www.prisonpolicy.org/reports/pie2018.html>.
5. Video: *The Truth About Bail* <https://www.youtube.com/watch?v=ucUffj3lRA8>.
6. Melissa Neal, *Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail*, Justice Policy Institute (Sept. 2012), available at <http://www.justicepolicy.org/uploads/justicepolicy/documents/bailfail.pdf>.
7. Judge Theresa Doyle, *Fixing the Money Bail System*, King County Bar Bulletin (April 2016), available at <https://www.courts.wa.gov/subsite/mjc/docs/FixingtheMoneyBailSystem.pdf>.
8. Erwin Chemerinsky, *Bail reform is overdue in California. Here's a better, fairer, safer way*, Sacramento Bee (March 19, 2018), available at <https://www.sacbee.com/opinion/california-forum/article205884969.html>.
9. Timothy R. Schnacke, *Money as a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial*, National Inst. of Corrections (Sept. 2014), available at <https://s3.amazonaws.com/static.nicic.gov/Library/029517.pdf>.
10. Jason Tashea, *Text-message reminders are a cheap and effective way to reduce pretrial detention*, ABA Journal (July 17, 2018), available at [http://www.abajournal.com/lawscribbler/article/text\\_messages\\_can\\_keep\\_people\\_out\\_of\\_jail](http://www.abajournal.com/lawscribbler/article/text_messages_can_keep_people_out_of_jail).
11. Shima Baradaran Baughman and Frank McIntyre, *Predicting Violence*, 90 Tex. L. Rev. 497 (March 2012), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1756506](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1756506).
12. Timothy R. Schnacke, *"Model" Bail Laws: Re-Drawing the Line Between Pretrial Release and Detention* (April 2017), available at [http://www.clebp.org/images/04-18-2017\\_Model\\_Bail\\_Laws\\_CLEPB\\_.pdf](http://www.clebp.org/images/04-18-2017_Model_Bail_Laws_CLEPB_.pdf).

13. Laura Binczewski, *Lucas County, Ohio: A Case Study in Fixing America's Broken Jails*, The Crime Report (July 12, 2018), available at <https://thecrimereport.org/2018/07/12/lucas-county-ohio-a-case-study-in-fixing-americas-broken-jails/#>.
14. Donald W. Meyers, *Study: No significant crime increase under Yakima County pretrial program*, Yakima Herald (Nov. 25, 2017), available at [https://www.yakimaherald.com/news/crime\\_and\\_courts/study-no-significant-crime-increase-under-yakima-county-pretrial-program/article\\_dc87b8e4-d274-11e7-8969-239a1b1de844.html](https://www.yakimaherald.com/news/crime_and_courts/study-no-significant-crime-increase-under-yakima-county-pretrial-program/article_dc87b8e4-d274-11e7-8969-239a1b1de844.html).
15. Arpit Gupta, Christopher Hansman, and Ethan Frenchman, *The Heavy Costs of High Bail: Evidence from Judge Randomization* (August 5, 2016). Journal of Legal Studies, Vol. 45, No. 2, 2016, available at <http://www.columbia.edu/~cjh2182/GuptaHansmanFrenchman.pdf>.
16. Paul Heaton et al., *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 Stan. L. Rev. 711 (2017), available at <https://www.stanfordlawreview.org/print/article/the-downstream-consequences-of-misdemeanor-pretrial-detention/>.
17. Megan Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes* (2017), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2777615&download=yes](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2777615&download=yes).
18. Alex Holsinger, *Exploring the Relationship Between Time in Pretrial Detention and Four Outcomes*. Crime and Justice Institute (2016), available at [http://www.crj.org/assets/2017/07/12\\_Exploring\\_Pretial\\_Detention.pdf](http://www.crj.org/assets/2017/07/12_Exploring_Pretial_Detention.pdf).
19. Christopher T. Lowenkamp, Marie VanNostrand, & Alexander Holsinger, Laura & John Arnold Found., *The Hidden Costs of Pretrial Detention* (2013), available at [https://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](https://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_hidden-costs_FNL.pdf).
20. *In re Kenneth Humphrey*, 19 Cal. App. 5th 1006 (Cal. App. Jan. 25, 2018).
21. *In re Christopher Lee White*, 21 Cal. App. 5th 18 (Cal. App. March 6, 2018).
22. *Burks v. Scott County, Mississippi*, Case No. 3:14-cv-00745-HTW-LRA (June 27, 2017), available at [https://www.aclu.org/sites/default/files/field\\_document/scott\\_county\\_judgment.pdf](https://www.aclu.org/sites/default/files/field_document/scott_county_judgment.pdf).
23. Bob Egelko and Evan Sernoffsky, *State Supreme Court to review landmark case on money bail system*, San Francisco Chronicle (May 23, 2018), available at <https://www.sfchronicle.com/news/article/State-Supreme-Court-to-review-landmark-case-on-12938615.php>.

*On Risk Assessment*

24. Laura and John Arnold Foundation, *Developing a National Model for Pretrial Risk Assessment* (Nov. 2013), available at [https://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary\\_PSA-Court\\_4\\_1.pdf](https://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF-research-summary_PSA-Court_4_1.pdf).
25. Megan Stevenson, Ph.D., *Assessing Risk Assessment in Action*, Minnesota Law Review (forthcoming), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3016088](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3016088).
26. John Monahan and Jennifer L. Skeem, *Risk Assessment in Criminal Sentencing*, Annu. Rev. Clin. Psychol. (2016), available at <http://risk-resilience.berkeley.edu/sites/default/files/journal-articles/files/annurev-clinpsy-021815-092945.pdf>.
27. Brandon Buskey and Andrea Woods, *Making Sense of Pretrial Risk Assessments*, The Champion, National Association of Criminal Defense Lawyers (projected publication August 15, 2018).
28. Marie Van Nostrand, Ph.D., *Race and Gender Neutral Pretrial Risk Assessment, Release Recommendations, and Supervision* (November 2016), available at <https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/corrections/race-and-gender-neutral-pretrial-risk-assessment-release-recommendations-and-supervision.pdf>.
29. Adam Neufeld, *In Defense of Risk-Assessment Tools*, The Marshall Project (Oct. 22, 2017), available at <https://www.themarshallproject.org/2017/10/22/in-defense-of-risk-assessment-tools>.
30. Richard Berk, et al., *Fairness in Criminal Justice Risk Assessments: The State of the Art* (March 2017), available at <https://arxiv.org/abs/1703.09207>.
31. Pretrial Justice Institute, *The State of Pretrial Justice in America* (November 2017), available at <https://university.pretrial.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=f9d452f6-ac5a-b8e7-5d68-0969abd2cc82&forceDialog=0>.
32. *Shared Statement of Civil Rights Concerns on The Use of Pretrial Risk Assessment Instruments*, Leadership Conference on Civil and Human Rights (July 30, 2018), available at: <https://leadershipconferenceedfund.org/pretrial-risk-assessment/>.
33. *Six Things to Know about Algorithm-Based Decision-Making Tools*, Leadership Conference on Civil and Human Rights (July 30, 2018), available at: <http://civilrightsdocs.info/pdf/criminal-justice/Pretrial-Risk-Assessment-6Things.pdf>.
34. John Logan Koepke and David G. Robinson, *Danger Ahead: Risk Assessment and the Future of Bail Reform*, available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3041622](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3041622).
35. *Bail Reform and Risk Assessment: The Cautionary Tale of Federal Sentencing*, 131 Harv. L. Rev. 1125 (Feb. 9, 2018), available at: <https://harvardlawreview.org/2018/02/bail-reform-and-risk-assessment-the-cautionary-tale-of-federal-sentencing/>.

36. Jennifer Skeem and Christopher Lowenkamp, *Risk, Race, and Recidivism: Predictive Bias and Disparate Impact* (June 2016), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2687339&download=yes](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2687339&download=yes).
37. Sandra G. Mayson, *Dangerous Defendants*, 127 Yale L. J. 490 (Jan. 2018), available at <https://www.yalelawjournal.org/article/dangerous-defendants>.
38. Chelsea Barabas, et al., *An Open Letter to the Members of the Massachusetts Legislature Regarding the Adoption of Actuarial Risk Assessment Tools in the Criminal Justice System* (Nov. 9, 2017), available at <https://medium.com/berkman-klein-center/the-following-letter-signed-by-harvard-and-mit-based-faculty-staff-and-researchers-chelsea-7a0cf3e925e9>.
39. Chelsea Barabas, et al., *Interventions over Predictions: Reframing the Ethical Debate for Actuarial Risk Assessment* (2018), available at <http://proceedings.mlr.press/v81/barabas18a/barabas18a.pdf>.
40. Sonja B. Starr, *Evidence-Based Sentencing and the Scientific Rationalization of Discrimination*, 66 Stan. L. Rev. 803 (April 2014), available at <https://www.stanfordlawreview.org/print/article/evidence-based-sentencing-and-the-scientific-rationalization-of-discrimination/>.
41. Bernard E. Harcourt, *Risk as a Proxy for Race*, Univ. of Chicago Law & Econ. Olin Working Paper No. 535 (Sept. 2010), available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1677654](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1677654).

#### *On Implicit Racial Bias*

42. Jeffrey J. Rachlinski et al., *Does Unconscious Racial Bias Affect Trial Judges?* 84 Notre Dame L. Rev. 1195 (2009), available at <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?referer=http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwi2qtnp8rcAhWUKn0KHbHPDwEQFjAAegQIABAC&url=http%3A%2F%2Fscholarship.law.cornell.edu%2Fcgi%2Fviewcontent.cgi%3Farticle%3D1691%26context%3Dfacpub&usg=AOvVaw1lhBWey4WGo-f6QEMy8U69&httpsredir=1&article=1691&context=facpub>.
43. Andrew Kahn and Chris Kirk, *What It's Like to Be Black in the Criminal Justice System*, Slate (Aug. 9, 2015), available at [http://www.slate.com/articles/news\\_and\\_politics/crime/2015/08/racial\\_disparities\\_in\\_the\\_criminal\\_justice\\_system\\_eight\\_charts\\_illustrating.html](http://www.slate.com/articles/news_and_politics/crime/2015/08/racial_disparities_in_the_criminal_justice_system_eight_charts_illustrating.html).
44. David Arnold, et al., *Racial Bias in Bail Decisions*, Nat'l Bureau of Econ. Research Working Paper No. 23421 (May 2017), available at <https://www.nber.org/papers/w23421>.

**CrR 3.2**  
**RELEASE OF ACCUSED**

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

**(a) Presumption of Release in Noncapital Cases.**

Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

- (1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or
- (2) there is shown a likely danger that the accused:
  - (a) will commit a violent crime, or
  - (b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

**(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release.** If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;
- (4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed

10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release. If this requirement is imposed, the court must also authorize a surety bond under section (b)(5);

- (5) Require the execution of a bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;
- (6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required. If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

**(c) Relevant Factors—Future Appearance.** In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

- (1) The accused's history of response to legal process, particularly court orders to personally appear;
- (2) The accused's employment status and history, enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;
- (3) The accused's family ties and relationships;
- (4) The accused's reputation, character and mental condition;
- (5) The length of the accused's residence in the community;
- (6) The accused's criminal record;
- (7) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;
- (8) The nature of the charge, if relevant to the risk of nonappearance;
- (9) Any other factors indicating the accused's ties to the community.

**(d) Showing of Substantial Danger—Conditions of Release.** Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

- (1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;
- (2) Prohibit the accused from going to certain geographical areas or premises;
- (3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;
- (4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;
- (5) Prohibit the accused from committing any violations of criminal law;
- (6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice;
- (7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or
- (10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

**(e) Relevant Factors—Showing of Substantial Danger.** In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to:

- (1) The accused's criminal record;
- (2) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;
- (3) The nature of the charge;
- (4) The accused's reputation, character and mental condition;
- (5) The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;
- (6) Whether or not there is evidence of present threats or intimidation directed to witnesses;
- (7) The accused's past record of committing offenses while on pretrial release, probation or parole; and
- (8) The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victims or witnesses.

**(f) Delay of Release.** The court may delay release of a person in the following circumstances:

- (1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.
- (2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.
- (3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

**(g) Release in Capital Cases.** Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.



**(h) Release After Finding or Plea of Guilty.** After a person has been found or pleaded guilty, and subject to RCW 9.95.062, 9.95.064, 10.64.025, and 10.64.027, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

**(i) Order for Release.** A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

**(j) Review of Conditions.**

- (1) At any time after the preliminary appearance, an accused who is being detained due to failure to post bail may move for reconsideration of bail. In connection with this motion, both parties may present information by proffer or otherwise. If deemed necessary for a fair determination of the issue, the court may direct the taking of additional testimony.
- (2) A hearing on the motion shall be held within a reasonable time. An electronic or stenographic record of the hearing shall be made. Following the hearing, the court shall promptly enter an order setting out the conditions of release in accordance with section (i). If a bail requirement is imposed or maintained, the court shall set out its reasons on the record or in writing.

**(k) Amendment or Revocation of Order.**

- (1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.
- (2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing in accordance with section (j). Release may be revoked only if the violation is proved by clear and convincing evidence.

**(l) Arrest for Violation of Conditions.**

- (1) **Arrest With Warrant.** Upon the court's own motion or a verified application by the prosecuting attorney alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (k).

- (2) **Arrest Without Warrant.** A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (k).

**(m) Evidence.** Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

**(n) Forfeiture.** Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

**(o) Accused Released on Recognizance or Bail--Absence--Forfeiture.** If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violated conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

#### Comment

Supersedes RCW 10.16.190; RCW 10.19.010, .020, .025, .050, .070, .080; RCW 10.40.130; RCW 10.46.170; RCW 10.64.035.

[Adopted effective July 1, 1973; amended effective July 1, 1976; September 1, 1983; September 1, 1986; September 1, 1991; September 1, 1995; April 3, 2001; September 1, 2002; September 1, 2015; February 28, 2017.]

Custom : Search



# April 2016 Bar Bulletin

CLE / Education For Lawyers Judicial Legal Help Membership Special Programs YLD

Share 3

Return to Bar Bulletin Home Page

## MyKCBA

[Login](#)

## Quick Links

[About KCBA](#)

[Join / Renew Online](#)

[Bar Bulletin](#)

[Meetings & Events Calendar](#)

[Education / Training](#)

[Pro Bono Services](#)

[Diversity](#)

[Public Policy & News](#)

[Publications](#)

[Lawyer Referral Service](#)

[Jobs Center](#)

[Advertising Rates](#)

## April 2016 Bar Bulletin

# Fixing the Money Bail System

By Judge Theresa Doyle

*"[U]sually one factor determines whether a defendant stays in jail before he comes to trial. That factor is not guilt or innocence. It is not the nature of the crime. It is not the character of the defendant. That factor is, simply, money. How much money does the defendant have?"*

—Robert F. Kennedy

The money bail system is under scrutiny across the nation, and for good reason. Requiring an accused to post money bail or go to jail conflicts with the presumption of innocence. Money bail fails to achieve effectively the goals of protecting public safety and ensuring future court appearances.

Poor defendants who may pose little or no risk of violence or not appearing in court can languish in jail awaiting trial. Wealthy defendants at high risk for violence or flight can remain free by posting cash or property. Taxpayers pay the high costs of detaining people unnecessarily. Society bears the non-economic costs of lost employment, housing, family support, public benefits, and financial and emotional security for the children of the incarcerated person.

Racial disparities are worsened under a money bail system. Studies show that judges, like most others in our society,



For the Public Good

Charitable Arm of the Bar



## Tweets by @kingcountybar



**King County E**  
@kingcountyba

Did you know that KCBA provides ratings for judicial candidates in contested races? Check out [kcba.org/For-Lawyers/Ju...](http://kcba.org/For-Lawyers/Judicial-Candidates) ahead of the upcoming elections.



**2018 Judicial Candidate Evaluations**  
Ratings are available for candidates in contested elections  
[LEARN MORE](#)



King County Bar Association  
1200 5<sup>th</sup> Ave, Suite 700  
Seattle, WA 98101  
Main (206) 267-7100  
Fax (206) 267-7099

suffer from implicit racial bias, and that the race of the accused affects release and bail decisions.

Outcomes are worse for defendants who are in jail pretrial. Many decide to plead guilty, whether or not they are, in order to avoid the collateral consequences of remaining in jail. Studies show that defendants who remain in jail pending trial and decide to plead guilty receive stiffer sentences than do recidivist offenders who are not incarcerated pretrial, but are otherwise similarly situated.

Judges have discussed concerns about the unconscious influence that a defendant's custody status has on their sentencing decisions. With an out-of-custody defendant, the judge has to make an affirmative decision to send the person to prison or jail rather than imposing an alternative. An in-custody defendant is already there.

The data support these concerns about defendants who are incarcerated pretrial receiving worse sentences. A study by the Arnold Foundation showed that in-custody defendants were three times as likely to be sentenced to prison, and their sentences were more than twice as long, when compared with out-of-custody defendants convicted of similar offenses and with comparable criminal histories.

Money bail has been challenged in recent lawsuits. The Equal Justice Initiative recently filed a class action in California and seven other states. The grounds are violation of equal protection, due process and the presumption of innocence. The constitutionality of monetary bail schedules, which set the bail amount by offense, is being litigated in several jurisdictions.

Many states and counties recognize the failures of the money bail system. Projects are under way across the nation to ensure release is based on risk, not financial ability. Most use an assessment of the risk of violence and failure to return to court. Judges set conditions of release to maximize the goals of court appearance and public safety. Pretrial monitoring follows.

Washington is a "right to bail" state. The exception is where the charge is a capital offense or carries a potential life sentence.<sup>1</sup> For all other offenses, Criminal Rule (CrR) 3.2 applies and presumes personal recognizance release (PR) absent a substantial likelihood of failure to return to court, risk of commission of a violent crime or interfering with the administration of



justice. Where the risk is failure to appear, CrR 3.2 requires the least restrictive alternative to money or property bond.

King County has one of the lowest incarceration rates nationwide, and a vigorous pretrial release program. In King County Superior Court, judges review the evidence supporting the current charge, the defendant's criminal history and other relevant information to assess risk of violence. To assess the risk of nonappearance, the judge considers prior warrants, family and community ties, residential stability, treatment participation, employment and other relevant information.

If straight PR is not appropriate, judges then make an informed decision whether to detain the person on bail, or order work release, electronic monitoring, supervised treatment and education programs (Community Corrections Alternative Programs or "CCAP"), call-in day reporting, or other conditions. The call-in day reporting program costs less than \$6 a day per participant, excluding overhead costs.

Some courts, such as Seattle Municipal Court, send text and telephone reminders of future hearings. Multnomah County uses an automated call system, which reduced the number of persons who failed to appear by 45 percent and saved \$1.6 million in a single year.

This smarter approach reserves jail beds for those who pose a risk of violence or flight, allows the remainder to be released and keep their jobs and housing, and offers treatment and support resources for those who need them. Often defendants in King County released to CCAP begin turning their lives around long before their trial dates, and in return receive a more favorable resolution of their case. Judges who have presided over the felony release calendar and have ordered defendants to CCAP regularly hear from grateful defendants battling drug use or mental illness that CCAP was life changing.

Pretrial release programs are not available in all counties. In preparing a presentation on money bail for the Superior Court Judges Association (SCJA) spring judicial conference, I surveyed my colleagues and learned that other courts have nothing like CCAP's wraparound program.

...[login](#) to read the rest of this article.

All rights reserved. All the content of this web site is copyrighted and may be reproduced in any form including digital and print for any non-commercial purpose so long as this notice remains visible and attached hereto. View full Disclaimer.



Home / Law Scribbler / Text-message reminders are a cheap and effective...

LAW SCRIBBLER

## Text-message reminders are a cheap and effective way to reduce pretrial detention

BY JASON TASHEA ([HTTP://WWW.ABAJOURNAL.COM/AUTHORS/64729/](http://www.abajournal.com/authors/64729/))

POSTED JULY 17, 2018, 7:10 AM CDT



*Jason Tashea. Photo by Saverio Truglia.*

With just a couple of dollars, courts and public defenders can keep people from being arrested.

Court date reminders sent to defendants via text message are an inexpensive, simple intervention being tested across the country.

Not only is the solution working, it's avoiding the expensive, labor-intensive and destructive practice of issuing bench warrants that can land people in jail.

While national "failure to appear" statistics are not kept, the Pretrial

Justice Institute reports each year about 12 million Americans are booked into local jails pretrial for offenses, bench warrants and technical violations of their release; the latter two can include FTAs. Being jailed for an FTA can create serious collateral

consequences for the defendant, which could impact their employment, housing and even guardianship of their children. Defendants can also have their bail revoked or forfeited as a result of failing to appear for court dates.

Jailing people pretrial is also expensive. PJI says pretrial detention in total costs taxpayers about \$14 billion a year (<http://www.pretrial.org/get-involved/learn-more/why-we-need-pretrial-reform/>).

By contrast, software made by the company Uptrust (<http://www.uptrust.co/>), which helps public defenders send text-message reminders for their clients, costs about \$20,000 to install and only \$2 per defendant per year after that, explains Jacob Sills, the company's CEO.

Uptrust's software is currently operating in five counties or cities in California, Maryland, Pennsylvania and Virginia, with expansions planned in counties in Florida and Washington.

"There is this perception that flight risk is a real thing that people need to worry about," Sills says. However, he says that the vast majority of criminal defendants are not flight risks—they're attendance risks.

Contra Costa County, California, adjacent to Berkeley and Oakland, is using Uptrust to send four reminders per defendant before a court hearing, explains Blanca Hernandez, deputy public defender at the Contra Costa County Office of the Public Defender

(<http://co.contra-costa.ca.us/1555/Public-Defender>).

The reminders are used officewide and have been integrated into the Early Representation Program, which is tasked with lowering the county's FTA rate for misdemeanor cases, which was as high as 57 percent

(<http://www.contracosta.ca.gov/DocumentCenter/View/42813/CABJuneHandouts?bidId>).

Confirming Sills' theory about attendance risk, Hernandez says that "approximately one third of individuals who appeared at their first court date self-reported that they knew about the court date only because they were contacted in advance through the program." She adds that the program is a time-saver for her attorneys, who no longer have to spend time calling clients the night before a hearing.

Her office and the county collect limited FTA data, so measuring impact is imprecise. Between 2015 and 2016, however, Hernandez says the misdemeanor FTA rate ranged between 52 and 57 percent in the county, and for felonies it was between 20 and 30 percent. While Uptrust only collects data on recipients of its reminders—making the data both incomplete and potentially biased—Sills says that three Contra Costa offices that use Uptrust see an average FTA rate for misdemeanors and felonies combined of only 2.5 percent. In the next year, the company expects to undertake more research to better assess their impact.



While the anecdotal experience in California is promising, New York City recently completed a rigorous study

([http://urbanlabs.uchicago.edu/attachments/store/9c86b123e3b00a5da58318f438a6e787dd01d66d0efad54d66aa232a6473/142-954\\_NYCSummonsPaper\\_Final\\_Mar2018.pdf](http://urbanlabs.uchicago.edu/attachments/store/9c86b123e3b00a5da58318f438a6e787dd01d66d0efad54d66aa232a6473/142-954_NYCSummonsPaper_Final_Mar2018.pdf)) finding that text-message reminders led to a significant drop in FTAs.

“Before we started our work, the FTA rate was close to 40 percent,” says Aurelie Ouss, an assistant professor at the University of Pennsylvania and a co-author of the study.



*cTermit / Shutterstock.com*

This research tracked two approaches attempting to decrease FTAs. First, researchers redesigned the court summons to be easier to read. Randomly deployed in the city, those who received the redesigned summons had an FTA rate 13 percent lower than those who received the older version.

Second, the study deployed text-message reminders. The reminders were sent three times to a defendant during the week before a scheduled court date. The study also sent a message after the hearing date if the person failed to appear. The most effective text messages—those that “combined information on the consequences of not showing up to court, what to expect at court, and plan-making elements”—led to a 26 percent reduction in FTAs.

Receiving both the text messages and the redesigned summonses decreased the FTA rate by 36 percent. Based on 2014 numbers, deploying both interventions could have meant 20,000 to 31,000 fewer warrants issued in New York City.

“Our results are very encouraging—text messaging is very cheap (less than 1 cent per message),” says Ouss, “and so even modest improvements in court attendance could be highly cost-effective.”

While this study shows significant promise, there are variables to consider when building a project like this, Sills says.

Specifically, he says that some administering agencies, like police and court clerks, struggle to collect phone numbers and consent from potential participants because of a lack of trust.

For this reason, his company intentionally works with public defender offices because of their relationships with defendants themselves. Illustrating this point, the New York City study was done in partnership with the New York City Police Department and the New York State Unified Court System Office of Court Administration. It had cellphone numbers for 13 percent of potential recipients. By contrast, the Contra Costa Public Defenders Office had phone numbers for 90 percent of potential recipients, according to Hernandez.

Howard Henderson, professor and director of the Center for Justice Research at Texas Southern University in Houston, likes text-message reminders because it meets people where they are at—their cellphone. He believes that this mentality can be used to expand access to courts for all people.

For example, text-message reminders do little good for those with inflexible employment or childcare obligations. Henderson says that offering court dates after 5 p.m. and on Saturdays and providing online dispute resolution would continue to evolve the justice system to meet people where they are at and when their schedules allow.

Getting judges to work weekends may be a tough ask, but text-message reminders are cost-effective and show a potential to keep tens of thousands of Americans out of jail.

With so much promise, let's hope the justice system gets the message.

*Corrects the number of text messages sent and Blanca Hernandez's first name in the ninth paragraph.*



Copyright 2018 American Bar Association. All rights reserved.

## Budget Changes That Can Impact Reentry or Reduce Impact of Bail

Program	Expenditure Amount	FTEs	TLTs	PSB Notes
<b>Adult &amp; Juvenile Detention</b>				
Eliminate Work/Education Release Fees	Revenue Reduction			This is a 22K revenue reduction.
Reduce Electronic Home Monitoring Fees	Possible Revenue Reduction			Exact fiscal impact difficult to assess because fee structure is completely different and collection rate difficult to estimate at this point. We collected \$112K in 2017 from EHM fees so that is the maximum revenue that could be reduced.
"Promoting Peace and Recovery" - CCD	352,333		1.0	
South Seattle College Programming - CCD	272,000			
Education Employment Specialist Contract	150,000			
Phase-out/Transition "Helping Hands" Program to Community Work Program	(264,921)			This will reduce available capacity to help offenders meet their community service requirements. However, sufficient capacity will remain to serve these clients through the Community Work Program or directly through the Court.
Reduce Community Work Program	(1,136,738)	(5.0)		Reduction to align program with current demand.
<b>Jail Health Services</b>				
Medication Assisted Treatment in Jail - MIDD	1,889,148	5.5		
Hepatitis Screening and Prevention	312,582			This is only indirectly connected to effects on re-entry. However, addressing long-term hepatitis illness improves individual and population health as inmates re-enter the community.
<b>District Court</b>				
Therapeutic Community Court MIDD	942,642	3.4		
<b>Judicial Admin</b>				
Housing Vouchers for Drug Court	136,000			This is not new funding. It moves the Drug Court Vouchers from the MIDD appropriation to the General Fund appropriation (still funded by MIDD).
<b>Prosecutor</b>				
LEAD (Diversion)	433,345	2.0		
Post Conviction TLT Attorney and Paralegal	544,467		2.0	
<b>Public Defense</b>				
Post Conviction TLT Attorney and Paralegal	543,017		2.0	
End Collateral Consequence Pilot Program (Revenue backed from Seattle)	(440,000)		(3.0)	King County has no authority over this decision - it is a Seattle-funded pilot
See Civil Legal Aid in DCHS				
<b>Superior Court</b>				
Continue CSEC	247,745	0.3		
Text Message Reminders	40,000			
Continuation of Family Treatment Court	880,552	4.0		
<b>DCHS</b>				
Jail Re-entry Linkage to Services	1,000,000			
DPD-dedicated Civil Legal Aid	500,000			

[Blank Page]

## King County Jail Average Daily Population

Month and Year between October 2017 and September 2018

By Offense Type and Offense Category

Sentence Status is Equal to Not Sentenced or Pre-Sentence

	Offense Type						Total	
	Misdemeanor		Investigation		Felony			
Offense Category	ADP	%ADP	ADP	%ADP	ADP	%ADP	ADP	%ADP
Assault	55.9		3.1		287.0		346.1	
Homicide	0.0		0.0		88.0		88.1	
Robbery	0.0		1.1		138.8		139.9	
Sex Crimes	0.2		0.1		104.6		104.9	
Domestic Violence	19.1		0.0		0.8		19.8	
Sub total V	75.2	38.12%	4.3	24.79%	619.2	42.40%	698.7	41.72%
Prostitution	0.2		0.0		2.1		2.3	
Drugs	4.4		3.6		145.3		153.3	
Criminal Trespass	8.2		0.0		0.0		8.2	
Non-Compliance	13.8		0.0		110.0		123.8	
Other	41.7		5.2		302.7		349.5	
Property	19.7		4.3		271.3		295.3	
Traffic (non-alcohol)	13.3		0.1		1.5		14.9	
DUI	20.6		0.0		8.2		28.8	
Unknown	0.1		0.0		0.0		0.1	
Sub total NV	122.0	61.9%	13.1	75.2%	841.1	57.6%	976.2	58.3%
Total	197.2		17.4		1,460.3		1,674.9	

KC Jail data reportable through 09/2018

Run Date: 10/19/2018

[Blank Page]

**King County Jail Number of Misdemeanor Releases***Month/Year of Release between October 2017 and September 2018**By Offense Type, Sentence Status, and Offense Category*

Offense Category	Sentence Status									
	Not Sentenced					All Releases				
Offense Category	Count of releases	Average Number of Charges	Average LOS2	Median LOS	Average Pre-trial LOS3	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2
Assault	2161.0	1.8	7.9	1.0	7.9	2767.0	1.9	12.0	2.0	8.6
Prostitution	34.0	1.2	1.9	1.0	1.9	35.0	1.2	1.9	1.0	1.9
Drugs	189.0	1.8	5.7	1.0	5.7	225.0	1.8	7.4	2.0	6.0
Homicide	0.0 n/a	n/a	n/a	n/a	n/a	0.0 n/a	n/a	n/a	n/a	n/a
Criminal Trespass	981.0	1.4	2.7	1.0	2.7	1096.0	1.4	4.0	1.0	3.2
Non-Compliance	480.0	1.4	8.2	2.0	8.2	748.0	1.5	13.9	5.0	7.5
Other	2577.0	1.7	5.1	1.0	5.1	3028.0	1.7	7.3	1.0	5.4
Property	1953.0	1.5	2.9	1.0	2.9	2369.0	1.6	4.5	1.0	3.2
Robbery	0.0 n/a	n/a	n/a	n/a	n/a	0.0 n/a	n/a	n/a	n/a	n/a
Sex Crimes	4.0	1.0	1.0	1.0	1.0	8.0	1.5	43.5	12.0	30.0
Traffic (non-alcohol)	1160.0	1.5	2.6	1.0	2.6	1305.0	1.5	3.9	1.0	2.9
DUI	3440.0	1.1	1.5	1.0	1.5	4112.0	1.2	4.0	1.0	1.8
Domestic Violence	1177.0	1.4	4.5	1.0	4.5	1275.0	1.5	7.1	1.0	5.6
Unknown	4.0	2.5	10.0	10.0	10.0	4.0	2.5	10.0	10.0	10.0
Total	14160.0	1.5	4.0	1.0	4.0	16972.0	1.5	6.7	1.0	4.5
Total Release	50%					28,143				

Notes:

1Sentence Status is Equal to Not Sentenced

2Average number days from booking to release

3Average number of days from booking to sentence, if there was one. If not, all days are counted as pre-trial.

KC Jail data reportable through 09/2018

Run Date: 10/19/2018

[Blank Page]



**King County Jail Number of Felony Releases**

Month/Year of Release between October 2017 and September 2018

By Offense Type, Sentence Status, and Offense category

Offense Category	Sentence Status									
	Not Sentenced					All Releases				
Offense Category	Count of releases	Average Number of Charges	Average LOS2	Median LOS	Average Pre-trial LOS3	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2
Assault	1067.0	2.5	84.8	36.0	84.8	1179.0	2.5	89.5	45.0	84.3
Prostitution	12.0	2.6	109.2	35.0	109.2	12.0	2.6	109.2	35.0	109.2
Drugs	1876.0	2.2	23.0	6.0	23.0	1996.0	2.3	26.0	7.0	23.6
Homicide	67.0	2.1	380.1	314.0	380.1	68.0	2.1	375.1	286.0	374.5
Criminal Trespass	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Non-Compliance	1829.0	1.5	19.9	11.0	19.9	5560.0	1.4	17.9	14.0	7.5
Other	2628.0	2.1	36.6	10.0	36.6	2753.0	2.1	39.1	11.0	37.1
Property	2177.0	2.3	41.1	14.0	41.1	2301.0	2.3	42.7	14.0	40.7
Robbery	376.0	3.2	133.3	66.0	133.3	415.0	3.1	133.3	77.0	128.4
Sex Crimes	176.0	2.0	182.3	94.0	182.3	188.0	2.0	181.0	101.5	177.6
Traffic (non-alcohol)	13.0	1.5	19.6	1.0	19.6	14.0	1.4	19.9	2.0	19.9
DUI	20.0	1.9	104.2	16.0	104.2	22.0	1.8	99.0	16.0	94.9
Domestic Violence	5.0	1.4	67.0	38.0	67.0	5.0	1.4	67.0	38.0	67.0
Unknown	0.0 n/a	n/a	n/a	n/a	n/a	0.0 n/a	n/a	n/a	n/a	n/a
Total	10247.0	2.1	45.6	12.0	45.6	14514.0	1.9	40.1	14.0	34.5
	36%					28,143				

Notes:

1Sentence Status is Equal to Not Sentenced

2Average number days from booking to release

3Average number of days from booking to sentence, if there was one. If not, all days are counted as pre-trial.

KC Jail data reportable through 09/2018

Run Date: 10/19/2018

[Blank Page]

## King County Average Daily Pre-Sentence Jail Population

Between October 2017 and September 2018

## By Offense type and Court

	Misdemeanor	Investigation	Felony	
	ADP	ADP	ADP	ADP
Auburn Municipal Court	2.1	0	0	2.1
Bothell Municipal Court	1.5	0	0	1.5
Federal Way Municipal Court	1.2	0	0	1.2
Issaquah Municipal Court	0.8	0	0	0.8
KC Superior Court	15.7	0	1,326.70	1,342.40
KC Superior Court Juvenile Division	0.1	0	2.1	2.2
KCDC East Division Bellevue Courthouse	0.1	0	0	0.1
KCDC East Division Issaquah Courthouse	0.4	0	0	0.4
KCDC East Division Redmond Courthouse	5.9	0	0	5.9
KCDC East Division Shoreline Courthouse	1	0	0	1
KCDC General Warrant	1.8	0	1.2	3
KCDC South Division Burien Courthouse	0.7	0	0	0.7
KCDC South Division Kent Courthouse	0.3	0	0	0.3
KCDC South Division RJC	22.9	1.6	0.3	24.8
KCDC West Division Seattle Courthouse	19	7.9	26.7	53.6
Kent Municipal Court	5.2	0	0	5.2
Kirkland Municipal Court	1	0	0	1
Lake Forest Park Municipal Court	0.8	0	0	0.8
Mercer Island Municipal Court	0.1	0	0	0.1
Milton Municipal Court	0	0	0	0
Pacific Municipal Court	0	0	0	0
Renton Municipal Court	1	0	0	1
SeaTac Municipal Court	0.6	0	0	0.6
Seattle Municipal Court	97.1	0	0	97.1
Tukwila Municipal Court	0	0	0	0
US District Court	0	0	0.7	0.7
Unknown	17.9	7.9	102.4	128.3
Total	197.2	17.4	1,460.30	1,674.90

[Blank Page]

## King County Jail Number of Misdemeanor Releases

Month/Year of Release between October 2017 and September 2018

*By Offense Type, Length of Stay (LOS), and Offense Category*

Offense Category	LOS Group																				Total																			
	0-3 Days					4-10 Days					11-30 Days					31-60 Days										61-90 Days					91-180 Days					181+ Days				
	Count of releases	Average Number of Charge	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charge	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charge	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charge	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charge	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charge	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charge	Average LOS1	Median LOS	Average Pre-trial LOS2					
Assault	1652	1.513	1.215	1	1.12	357	2.154	6.154	6	5.19	451	2.29	17.72	17	13.25	199	2.744	44.87	43	28.97	59	3.763	71.22	69	54.9	39	3.795	124.3	119	77.29	10	6	308.8	245.5	202.2	2767	1.907	12.02	2	8.572
Prostitution	32	1.094	1	1	1	1	1	7	7	7	2	2.5	14	14	14	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	35	1.171	1.914	1	1.914
Drugs	151	1.325	1.325	1	1.311	39	2.026	6.026	6	5.256	25	2.72	18.56	17	11.96	7	4.286	42.29	40	27.43	0	n/a	n/a	n/a	n/a	2	5.5	111	111	107	1	10	243	243	243	225	1.769	7.378	2	6.004
Homicide	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	
Criminal Trespass	892	1.294	1.221	1	1.176	100	1.58	5.53	5	4.67	88	1.841	17.42	17	13.56	10	3.1	43.5	41.5	21	3	4.667	70.67	69	70.67	2	1.5	139	139	68.5	1	1	250	250	249	1096	1.39	3.969	1	3.209
Non-Compliance	341	1.238	1.375	1	1.161	133	1.391	6.737	7	6	203	1.576	19.27	19	8.384	38	2.026	43.08	40.5	24.35	17	3.176	73.18	72	43	14	4	130	122	56.21	2	5	224.5	224.5	121	748	1.503	13.94	5	7.462
Other	2210	1.527	1.236	1	1.165	370	1.984	5.938	5.5	4.695	279	2.151	17.89	17	12.6	114	2.518	43.86	40.5	28	19	3.316	69.53	68	55.95	27	3.741	126.2	120	93.85	9	3.889	278.6	212	183	3028	1.715	7.317	1	5.371
Property	1812	1.329	1.315	1	1.216	280	2.039	5.746	5	4.268	225	2.289	17.67	17	11.51	40	3.4	42.05	41	24.02	7	3.286	71.29	71	39	5	4.2	125.4	125	70.6	0	n/a	n/a	n/a	n/a	2369	1.551	4.549	1	3.198
Robbery	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	
Sex Crimes	4	1	1	1	1	0	n/a	n/a	n/a	n/a	1	1	22	22	21	2	1	48.5	48.5	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	1	5	225	225	215	8	1.5	43.5	12	30
Traffic (non-alcohol)	1103	1.386	1.051	1	0.961	134	1.731	5.716	6	4.716	39	2.462	17.36	17	10.92	13	2.538	40.62	39	29.08	5	2.2	71	62	68	9	3.333	109.4	111	67.22	2	6.5	289.5	289.5	183	1305	1.49	3.869	1	2.917
DUI	3569	1.101	0.749	1	0.621	240	1.429	6.133	6	4.613	173	1.491	18.24	18	8.051	83	1.904	45.51	43	16.58	24	1.917	74.42	74	27.92	15	2.333	119.5	119	27.2	8	3.25	234.9	235.5	39.87	4112	1.167	4.021	1	1.821
Domestic Violence	1024	1.268	1.12	1	1.109	90	1.789	6.244	6	5.564	88	2.125	17.65	17	13.86	41	2.366	43.17	39	32.05	13	2.846	75	78	56.62	12	4.25	128.9	127.5	98.25	7	6	220.9	206	143.6	1275	1.469	7.137	1	5.561
Unknown	2	2	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	2	3	20	20	20	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	4	2.5	10	10	10
Total	12792	1.318	1.086	1	0.994	1744	1.854	6.017	6	4.875	1576	2.063	17.99	17	11.68	547	2.554	44.15	42	26.17	147	3.197	72.07	69	49.41	125	3.648	124.2	119	73.85	41	4.927	262.6	242	153.9	16972	1.524	6.704	1	4.522

### Notes:

### 1Average number days from booking to release

2Average number of days from booking to sentence, if there was one. If not, all days are counted as pre-trial.

KC Jail data reportable through 09/2018

Run Date: 10/19/2018

[Blank Page]

King County Jail Number of Felony Releases  
Month/Year of Release between October 2017 and September 2018  
By Offense Type, Length of Stay (LOS), and Offense Category

Offense Category	LOS Group																													Total										
	0-3 Days					4-10 Days					11-30 Days					31-60 Days					61-90 Days					91-180 Days									181+ Days					
	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Average Pre-trial LOS2					
Assault	183	1.295	1.399	1	1.372	114	1.702	6.553	6	6.544	221	2.167	17.84	17	17.46	145	2.559	45.39	45	42.84	122	2.82	74.99	74.5	73.02	208	3.053	130.4	124	118.3	186	3.849	310.4	258.5	294.6	1179	2.524	89.51	45	84.3
Prostitution	2	1	0.5	0.5	0.5	2	3	9.5	9.5	9.5	1	2	11	11	11	3	2.667	39.67	35	39.67	1	3	76	76	76	0	n/a	n/a	n/a	n/a	3	3.333	361.3	271	361.3	12	2.583	109.2	35	109.2
Drugs	776	1.344	1.363	1	1.344	357	2.078	6.426	6	6.232	455	2.552	18.42	18	17.9	176	3.375	42.72	42	40.19	74	3.986	73.99	74	71.16	105	4.4	126.4	120	106.1	53	5.226	261.3	237	231.1	1996	2.292	25.98	7	23.62
Homicide	9	1.222	1.222	1	1.222	9	1.444	6.444	6	6.444	5	1.4	15.6	14	15.6	2	1.5	43	43	24	1	2	72	72	72	6	3	132	120.5	132	36	2.528	678	644.5	678	68	2.132	375.1	286	374.5
Criminal Trespass	1	1	1	1	1	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	1	1	1	1	1
Non-Compliance	1160	1.053	2.129	2	0.297	1045	1.189	7.764	8	5.994	2971	1.418	19.45	19	4.612	239	2.502	43.42	42	29.33	64	2.688	73.47	72	58.36	48	2.979	123.7	122	92.17	33	3.667	315.9	262	196.4	5560	1.387	17.95	14	7.547
Other	983	1.208	1.291	1	1.275	380	1.763	6.734	7	6.705	608	2.309	18.28	17	18.15	253	2.818	43.61	42	40.89	174	3.023	73.79	73	71.28	206	3.49	129.3	124	117.7	149	3.893	284.1	244	270.4	2753	2.106	39.15	11	37.09
Property	559	1.365	1.354	1	1.306	353	1.708	6.807	7	6.72	679	2.071	17.94	17	17.65	254	2.701	43.57	42	41.04	128	3.25	75.13	76	71.59	189	3.995	128.6	124	118.3	139	4.691	272	242	264	2301	2.295	42.65	14	40.74
Robbery	37	1.27	1.378	1	1.378	15	1.733	5.8	5	5.8	94	2.309	18.11	17	17.97	47	2.681	43.23	42	40.28	30	3.133	75.47	77.5	73.13	74	3.892	135.6	134	125.9	118	4.28	331.8	279.5	322.5	415	3.14	133.3	77	128.4
Sex Crimes	31	1.097	1	1	0.903	23	1.739	5.826	5	5.826	15	1.667	16.13	14	16.13	15	1.733	48.33	54	45.87	8	1.625	73.5	70.5	73.5	26	1.654	137.9	137.5	125.6	70	2.714	410.3	410	406.3	188	1.973	181	101.5	177.6
Traffic (non-alcohol)	8	1.5	1.25	1	1.25	2	1	7	7	7	3	1.667	16.33	14	16.33	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	1	1	205	205	205	14	1.429	19.86	2	19.86
DUI	2	1	1	1	1	8	1.375	5.375	5	5.375	2	2	16	16	16	1	2	37	37	37	1	1	90	90	n/a	3	1.333	157.7	169	157.7	5	3	300	218	300	22	1.773	98.95	16	94.86
Domestic Violence	1	1	2	2	2	0	n/a	n/a	n/a	n/a	1	1	13	13	13	2	1	45	45	45	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	1	3	230	230	230	5	1.4	67	38	67
Unknown	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	n/a
Total	3752	1.216	1.578	1	0.993	2308	1.538	7.136	7	6.287	5055	1.766	18.9	18	10.06	1137	2.752	43.68	42	38.65	603	3.095	74.41	74	70.32	865	3.546	129.7	125	116.3	794	3.981	324.2	258	307.9	14514	1.947	40.1	14	34.48

Notes:  
1Average number days from booking to release  
2Average number of days from booking to sentence, if there was one. If not, all days are counted as pre-trial.  
KC Jail data reportable through 09/2018  
Run Date: 10/19/2018

[Blank Page]



King County Jail Number of Releases (All offense categories)  
Month/Year of Release between October 2017 and September 2018  
By Length of Stay (LOS) and RACE

Sentence Status is Equal to Not Sentenced

		LOS Group																												Total			
		0-3 Days				4-10 Days				11-30 Days				31-60 Days				61-90 Days				91-180 Days				181+ Days							
Race	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Count of releases	Average Number of Charges	Average LOS1	Median LOS	Count of releases	Average Number of Charges	Average LOS1	Median LOS	
White	11396	1.28	1.134	1	2145	1.7	6.353	6	2082	2.131	17.55	16	732	2.773	43.17	42	375	3.075	73.67	72	453	3.572	128.4	125	375	3.915	320.2	259	17558	1.648	17.12	2	
Black	4539	1.348	1.212	1	1091	1.687	6.229	6	1073	2.089	17.65	17	366	2.781	43.62	42	199	3.241	74.07	74	291	3.739	127	124	299	4.284	343.2	283	7858	1.811	25.65	2	
Asian	1227	1.214	1.011	1	190	1.663	6.232	6	188	2.08	16.96	16	53	2.623	41.68	40	31	3.032	72.81	72	51	3.549	130.7	126	51	4.314	321.9	274	1791	1.581	18.52	1	
Native American	384	1.271	1.198	1	105	1.581	6.495	6	99	2.061	17.72	17	41	3.122	44.54	45	19	3.474	77.11	78	28	2.893	133.2	127.5	15	4	342.7	253	691	1.726	21.79	2	
Other/Unknown	364	1.253	0.896	1	37	1.919	6.054	6	31	2.484	17.23	17	10	2.2	43.4	42	5	3.4	80.4	83	10	3.6	122.9	118	4	4.5	278.3	235.5	461	1.512	9.245	1	
Total	17910	1.292	1.142	1	3568	1.693	6.31	6	3473	2.116	17.55	16	1202	2.776	43.29	42	629	3.14	73.91	73	833	3.606	128.2	125	744	4.095	329.8	264	28359	1.689	19.56	2	

Notes:  
1Average number days from booking to release  
KC Jail data reportable through 09/2018  
Run Date: 10/22/2018

[Blank Page]

**King County Council – October 25, 2018****Reentry Talking Points- Patty Noble-Desy**

I was invited here today to answer, at least in part, two primary questions.

1. What are the barriers to successful community reentry, following a term of confinement?
2. What options can King County take to reduce these barriers?

#1. When we **refer to BARRIERS TO REENTRY** it is important to remember that the barriers to reentry are often the very same issues/barriers that resulted in incarceration in the first place.

- **Systemically** it is crucial to attend to the core social conditions that can create ongoing criminal legal system involvement. Indeed, institutional and structural barriers including structural racism and lack of economic justice that can often result in a lack of equitable access to life chances. This inequity can and does create social conditions that are ripe for involvement with the criminal legal system and hence lifelong incapacitation and collateral consequences that prove to be life sentence.

**Disproportionately Black and brown members of our community** are in our jails and involved with the local criminal court system. At every opportunity, equity and social justice must be honestly and thoroughly considered in our actions, our words, policies and interventions.

- At an **individual and personal** level, we have forensic and scientific considerations to consider in any thorough discussion of reentry.

We refer to these barriers as unmet **needs** which are known in the forensic world to be causal to criminal activity.

Failing to recognize and address these issues will find persons continuing involvement with the criminal and legal system, they are;

- Anti-social attitudes and orientation
- Association with anti-social peers
- Anti-social personality features, callousness and risk taking
- Absence of pro social leisure/recreation activities
- Family dysfunction
- Unemployment
- Substance use

It is critically important that all interventions address these needs and do so with skilled staff and fidelity adherent programs. In more practical terms here are some specific issues that preclude successful reentry:

**At the time of release from confinement**, King County community members walk out with what they came in with. Meaning if an individual came into jail with limitations and vulnerabilities they generally leave in the same way, or in many cases, worse. The list below outlines challenges individuals face in re-entry and potential resources to address these barriers.

- No one to help them — peer support
- Dirty or inadequate clothing, shoes or outerwear—provide at release
- No transportation – Orca cards
- No safe place to go – reentry center
- No phone – grant funding to provide
- No valid State Identification – ask about this at release so we can coordinate how to make this happen
- No food – release planning
- No job – reentry center
- No or limited benefits – release planning
- Lack of medication and in many cases unable to manage their meds alone
- No idea or plan to put things together for success – reentry center
- Little to no capacity to self-organize – reentry center

**Once back in the community our people find**

- No central location where they can get their needs met
- Stigma and isolation
- Poverty and all the consequences of that
- The reasons they got into legal problems and jail follow them

## #2 What options can King County take to reduce these barriers?

### WHAT ARE WE DOING NOW IN KING COUNTY?

Part of supporting successful reentry from criminal legal system involvement is accessing the large, often cumbersome and confusing, resource network in King County. This requires people that look like and have lived experience in the criminal legal system supporting those with current involvement. Best models and emerging practices include the credible messenger model, forensic peer support, a harm reduction approach, anti-oppressive practices, and working with communities most impacted to implement community-informed solutions (BSK has done a lot of this).

1. The best barrier buster is to always look and plan for **Diversion 1<sup>st</sup>** and to do so at each **sequential intercept**. Some examples currently in King County

- LEAD
- Vital for Familiar Faces
- Pact (Program for assertive community treatment)
- Crisis Solution Center which also includes mobile crisis team
- Crisis intervention training

2. Currently there are some **“reentry” services** applied in some jails and in courts

- Risk Need Responsivity (RNR)
- Limited release planning with Jail Health
- Medicaid enrollments
- Specialty/Therapeutic Courts
- Substance use disorder (SUD) treatment at MRJC
- Veterans Program at MRJC

**It is important to note that the majority of services King County provides are not common in our local county jails. So, we do not have a systemic approach to how we interact with and treat all people incarcerated in King County Jails.**

Currently in the Executive’s proposed budget there is a \$1 million MIDD proposal for additional jail reentry linkages to the community. There are also release planning resources proposed as part of the jail-based medication-assisted treatment (MAT) proposal, which includes coordination with the proposed expanded buprenorphine program at the Downtown Public Health Center.

## **WHAT CAN WE DO WITH COMMITMENT AND RESOURCES TO BUILD A RESPONSIVE AND EVIDENCE BASED CONTINUUM OF REENTRY OVER TIME?**

In order to fully address the number of systemic and operational barriers to successful reentry, a sustained and significant commitment of resources would be needed. This is a significant challenge given the County’s constrained General Fund and other revenue sources, and the need for up-front investment when potential cost savings from these investments are unlikely to be realized for several years. The issues listed below are meant to illustrate the variety of areas where the reentry approach could be improved and barriers addressed.

## **CONFINEMENT MUST BE PART OF THE SOLUTION**

- Use risk and needs information to direct resources to those with the greatest risk for recidivism and those with the highest needs. Address the issues that resulted in their arrest and incarceration while in jail.
- Incorporate reentry into agency mission statements and work plans.
- Current policy and practices are not reentry/healing focused.
- During incarceration, we need to provide the jail staff with skills and tools so that it is part of the reentry team and can begin the work of restoration and healing.
- Equip jail staff with the skills to assist those incarcerated with problem solving and life skills. An evidence based practice known as Core Correctional Practices teaches and reinforces line staff how to effectively manage a safe and secure environment and provide these skills for those in jail.
- Jail based discharge/release planning needs to be universal and needs to begin at intake.
- Require and provide reentry orientation, a needs assessments, and transition plan to as many jail residents as possible. Some form of release planning for all.
- Require a reentry tool kit to include valid identification, social security card, birth certificate, a personalized reentry map and plan to address all identified needs and any records of accomplishments while incarcerated. This should be part of the pre-release and release process. Consider release from the hospital.
- One effective evidence based practice that current practices challenge is that of jail access practices that make it hard for recovering peers with lived experience to be a true support and a guiding hand, during incarceration, and as a navigator upon release.
- Increase education, pre-employment, and training options for incarcerated people.
- Encourage continued family connections during incarceration, and make it easy and respectful for people to stay in touch and in support of their loved ones.
- Ensure the use of a wide range of graduated sanctions and incentives to reinforce positive behavior and extinguish self-defeating behaviors appropriately and respectfully.

## **EXPECT A COMMUNITY OF HELPFULNESS FOR REENTERING PERSONS**

- Establish a well-funded and well-staffed community based service center hub for diversion and reentry. This needs to include a shelter option while people are gaining services. This could be an opportunity to partner with the City of Seattle and/or the State for a comprehensive reentry and transition services hub, which would address a multitude of reentry issues.
- Cooperate with state and local partners to fund and launch a full scale public education campaign that educates the public and employers about the risks and needs of reentering persons and the benefits of supporting their reentry.

- Advertise on Metro buses to help tell the story.
- Let people know how to access care and services – people in need don't have the information. The government does not always provide information in an easy to understand and useful manner.
- Provide public transportation at no cost for poor people, not time limited, and provide an Orca card like we give KC Employees.
- Real employment and job retention supports. Reserve a percentage of county jobs for those reentering.
- Permanent housing for poor people.
- Quality behavioral health treatment on demand, staffed by well-prepared persons.
- Provide a means to supplement Medicaid rates to pay for the services of community based providers, underfunded agencies, and staff. We get what we pay for. Help our providers do what they know how to do best. Help with attraction and retention.
- Promote the integration of CJ within all systems and agencies to sufficiently promote and insure the continuation of care and effective and measured service delivery.
- Measure program and service outcomes including county direct service. Evaluate the impact of prerelease, reentry, and community based services. Make funding contingent on achievement of desired outcomes.
- All partners should review and consider the re-entry process and needs from arrest through incarceration, adjudication, and return to the community.
- Change our culture, our attitude, our language, and labelling terminology.

*References:*

*King County PAO, Investing for No Return*

*National Institute of Corrections*

*Bureau of Justice and Reentry Score Cards*

*U.S. Department of Health and Human Services: Reentry Policy Council*

[Blank Page]





**Metropolitan King County Council  
Budget Panel Discussion 2019-2020**

**EQUITY AND JUSTICE FOR ALL**

Panel Meeting #2 | October 25, 2018

Staff: Andrew Kim

**PUBLIC HEALTH**

- How can we expand the county's efforts on HPV (Human Papillomavirus) to improve vaccination rates and increase screenings in an effort to reduce cervical cancer in the county?

**BACKGROUND**

According to the U.S. Centers for Disease Control (CDC), the Human papillomavirus (HPV) is the most common sexually transmitted infection in the United States. CDC states that almost 79 million residents, most in their late teens and early 20s, are infected with HPV and approximately 14 million people become newly infected each year. There are over 40 different types of HPV where some types can cause health problems including genital warts, cervical cancer, and other cancers including cancer of the vulva, vagina, penis, or anus. It can also cause cancer in the back of the throat, including the base of the tongue and tonsils (called oropharyngeal cancer). CDC states that cancer often takes years, even decades, to develop after a person gets HPV. The types of HPV that can cause genital warts are not the same as the types of HPV that can cause cancers<sup>1,2</sup>

The CDC reports that every year, approximately 19,400 women and 12,100 men in the United States are affected by cancers caused by HPV, and of those 12,000 women will be diagnosed with cervical cancer, and more than 4,000 women die from cervical cancer, even with screening and treatment.<sup>3</sup>

The CDC states that the HPV vaccines (primarily *Cervarix* and *Gardasil*)<sup>4</sup> are safe and effective, and it can protect against diseases, including cancers, caused by HPV when given

---

<sup>1</sup> According to the U.S. Centers for Disease Control (CDC), HPV types 16 and 18 account for approximately 66% of cervical cancers in the United States. URL:

<https://www.cdc.gov/std/stats17/other.htm#hpv>. Accessed October 16, 2018.

<sup>2</sup> U.S. Centers for Disease Control (CDC)'s Genital HPV Infection - Fact Sheet. URL:

<https://www.cdc.gov/std/hpv/stdfact-hpv.htm>. Page last updated: November 16, 2017. Accessed October 16, 2018.

<sup>3</sup> *Ibid.*

<sup>4</sup> According to the U.S. Centers for Disease Control (CDC), there are several HPV vaccines licensed in the U.S., notably the bivalent vaccine (*Cervarix*) and a quadrivalent vaccine (*Gardasil*). Both of these vaccines offer protection against HPV types 16 and 18, which account for 66% of all cervical cancers, and the quadrivalent vaccine protects against five additional HPV types accounting for 15% of cervical cancers. The quadrivalent vaccine also protects against types 6 and 11, which cause 90% of genital warts.

in the recommended age groups. The CDC recommends the following regarding vaccinations and screenings:

- All boys and girls ages 11 to 12 year olds get two doses of the HPV vaccine to protect against cancers caused by HPV;
- Catch-up vaccines for boys and men through age 21 and for girls and women through age 26, if they did not get vaccinated when they were younger;
- Routine screenings for women aged 21 to 65 years old can prevent cervical cancer;
- Gay and bisexual men (or any man who has sex with a man - MSM) through age 26; and
- Men and women with compromised immune systems (including those living with HIV/AIDS) through age 26, if they did not get fully vaccinated when they were younger.

The CDC reports that in 2017, 49 percent of adolescents nationwide were up to date on the HPV vaccine, and 66 percent of adolescents ages 13-17 years received the first dose to start the vaccine series. On average, the percentage of adolescents who started the HPV vaccine series increased by 5 percentage points each year from 2013 to 2017.<sup>5</sup> Public Health – Seattle & King County staff state that 55.9 percent of King County adolescents aged 11-17 have 1 or more doses of HPV vaccine (57.9 percent for female, 54.1 percent for male) as of December 31, 2017.

Today's panel discussion would explore the above policy question on how to expand the county's efforts on HPV to improve vaccination rates and increase screenings in an effort to reduce cervical cancer in the county. Attachments 3 and 4 of this document highlights the Public Health – Seattle & King County's (PHSKC) current efforts related to HPV, particularly in the Prevention Division, Public Health clinics, and the School-Based Partnership program. The attachment also speaks to PHSKC's proposals to expand the county's HPV work. The proposals would total approximately \$1.3 million of additional investments for the 2019-2020 biennium to expand HPV efforts. Lastly, Attachments 5 and 6 of this document provides data on the county's HPV vaccination rates.

## **ATTACHMENTS**

1. PHSKC: Increasing HPV Vaccination Rates & Screenings, dated October 11, 2018
2. PHSKC: Additional information on HPV Vaccination Rates & Screenings, dated October 16, 2018
3. Data: Immunization coverage among King County adolescents aged 11 - 17 years old as of December 31, 2017.
4. PHSKC: County Map of HPV Vaccination Rates as of December 31, 2017

## **INVITED**

1. Dennis Worsham, Division Director, Prevention, PHSKC

---

<sup>5</sup> U.S. Centers for Disease Control (CDC) HPV Vaccination Coverage Data. URL: <https://www.cdc.gov/hpv/hcp/vacc-coverage/index.html>. Page last updated: August 23, 2018. Accessed October 16, 2018.

## Increasing HPV Vaccination Rates & Screenings

Information for Equity & Justice for All Council Budget Panel - October 10, 2018

### Question

How can we expand the county's efforts on HPV (Human Papillomavirus) to improve vaccination rates and increase screenings in an effort to reduce cervical cancer in the county?

Public Health manages several programs to address the County's HPV vaccine and screening initiatives:

1. **Prevention:** As part of Best Starts for Kids (BSK), the Adolescent Immunization Quality Improvement Learning Collaborative partners with the University of Washington and the American Academy of Pediatrics to increase adolescent immunization, with a particular emphasis on HPV. This program leverages \$400k from BSK to support one FTE and an external contract.

Additionally, in 2017 the PHSKC School-Based Partnerships Program and the Immunizations Program received a grant from the Group Health Foundation (\$67k for period 11/2017-8/2019) to expand an existing project working to 1) increase awareness of the benefits of HPV vaccination and 2) improve access to vaccination services at school-based health centers (SBHCs). Based on a successful two-year project in thirteen Seattle Public Schools, Public Health is launching [student-led campaigns](#) at five additional high schools and strengthening immunization outreach to parents/guardians at six middle schools.

In 2018, the Public Health Immunization Program received a mini-grant from the American Cancer Society (\$10k) to create a targeted social media campaign promoting HPV vaccine to reach parents of middle and high school students in King County, add information to our PHSKC SBHC [webpage](#) about SBHCs and the services they provide (emphasis on HPV vaccination), and design and mail postcards to approximately 250 primary care practices in Seattle, Burien, Tukwila, Vashon and Bellevue to remind them about SBHCs and include link to the new webpage.

2. **Breast Cervical & Colon Health Program (BCCHP)**

The BCCHP Program provides roughly 1300 HPV tests per year but does not currently vaccinate for HPV. The program subcontracts with health care providers and organizations to provide direct services to individuals in their communities. BCCHP eligibility and screening policies reflect CDC guidelines given CDC funds the program through the Washington Department of Health. The entire BCCHP program budget is \$3.1M in 2019-2020. Additional testing is available through the STD clinic, which provides about 200 cervical cancer screening tests per year.

Outreach contractors include messaging around BCCHP including the importance of cervical cancer screening, and the Community Health Access Program (CHAP) helps refer clients to BCCHP eligible clinics.

3. **CHS Program Overview**

Sexual and reproductive health services are provided at three primary care clinics (Downtown, Eastgate, and Navos), four Family Planning clinics (Auburn, Federal Way, Kent and Eastgate), all school-based health centers (four of which are operated by Public Health and the rest by

## Increasing HPV Vaccination Rates & Screenings

Information for Equity & Justice for All Council Budget Panel - October 10, 2018

community partners), and all of our Health Care for the Homeless Network clinics and their partners. These sexual health services include HPV vaccines, primarily for people under the age of 19. HPV vaccine is purchased and supplied by the Vaccine for Children (VFC) program. A limited amount of state-sponsored HPV vaccine is also available for those aged 19-26, however this supply is only sporadically available from Washington State Department of Health.

Between 2017 and September of 2018, the Public Health Family Planning and Primary Care clinics 1554 individuals initiated the HPV vaccination series. Because this vaccine is expensive, there is a gap in our uninsured clients. Should more HPV vaccine be made available, more public health clients would receive the HPV vaccination, particularly those who are uninsured aged 19-26. Currently, almost 50% of our family planning visits are uninsured.

In addition, our clinics provide cervical cancer screening to all eligible patients. Within the family planning program, we have a very high screening rate above 80%. We also serve a large Latina population and uninsured and underinsured patients.

The Family Planning Program has six community-based health educators who work in schools and community-based agencies serving youth and young adults. Educators provide direct health education on how to prevent HPV and link youth to care for HPV vaccines and cervical cancer screening clinical services. One of the health educators also worked with Public Health Immunization Program's HPV Vaccine Peer Champion program.

In addition, the Family Planning Program created a comprehensive, medically accurate, age-appropriate, and inclusive sexual health curriculum for elementary, middle school, high school and special education. This curriculum is used across the country. One of goals of the curriculum is to help young people access clinical services.

This work is provided within the broader scope of CHS clinical services and Family Planning health education. The costs are included in these larger program budgets.

Each of these programs could increase its scale to varying degrees with additional funding. Suboptimal HPV vaccination rates in King County are attributable to multiple barriers among health care providers, parents and adolescents, and include missed clinical opportunities, misinformation, lack of knowledge, and insufficient access and/or system gaps. The following strategies could be applied to expand efforts:

1. Purchase more HPV vaccine to increase coverage among the county's uninsured and other vulnerable populations.
2. Fund an FTE Care Coordinator to help clients receiving sexual health services improve completion rates of HPV vaccine series and timely cervical cancer screening and follow-up as indicated (such as diagnostic testing like colposcopy).
3. Increase funding for outreach and engagement programs such as the "HPV Vaccine Peer Champion" program.
4. Support policy changes to address the following issues:
  - a. Improve patient confidentiality for clients aged 19-26 under their parent's insurance by ensuring patients have the opportunity to limit disclosure of services to the policy holder.
  - b. Mandate sexual health education in school in Washington State so young people receive accurate information about how to prevent HPV and access services if they need them.

**Question #1: What is the overall percentage of adolescents aged 11-17 with 1 or more doses of HPV vaccine in the county?**

**Response:** 55.9% of King County adolescents aged 11-17 have 1 or more doses of HPV vaccine (57.9% Female, 54.1% Male) as of 12/31/17. Looking at HPV vaccine series completion rates for 11-17 year olds is complex because the recommended vaccine schedule changed in late 2016 for adolescents who started the series before age 15. So in the attached table, some of the teens need 3 doses to be complete and some are already considered complete with 2 doses.

See attached table for further breakdown of data.

**Question #2. Is there similar data (map based) for HPV screenings conducted?**

**Response:** At this time, countywide data is not available for HPV screenings. However, Public Health has convened the King County Family Planning Access and Quality Committee which includes safety net providers and key stakeholders representing all parts of King County. The goal of this Committee is to collectively improve family planning and sexual health services across the county by ensuring services are equitably available. Fundamental to the work of this committee is developing our capacity to systematically collect information needed to create a family planning dashboard representing the clients and services provided by King County's safety net. This dashboard would serve not only as a baseline, but also enable the Committee to strategically identify and launch improvement projects aimed at eliminating disparities in access and improve outcomes for underserved communities. The dashboard would allow us to track progress as well as specifically targeted activities such as HPV screenings among safety net providers across the County. The dashboard development is currently on hold until we secure the approximate \$75,000 - \$100,000 to fund it.

**Question #3. Can you provide estimates of cost associated with the four strategies provided in the document?**

**The following strategies could be applied to expand efforts:**

1. **Purchase more HPV vaccine to increase** coverage among the county's uninsured and other vulnerable populations.

**Response:** Community Health Services (CHS) was able to participate in the recent one-time offer of state-supplied HPV vaccines for adults with a subset of our family planning and primary care clinics receiving a minimal amount of vaccine. The amount of vaccine we previously received through this route supported less than 10% of our estimated need. Based on the recent best practice recommendation, we would aim to improve our vaccine series initiation and completion rate by 15% among our uninsured family planning and primary care clients' aged 19-26 years old. We will need to purchase 300 vaccines at a total cost of \$60,000 per year, totaling \$120,000 for the 2019-2020 budget.

2. **Fund an FTE Care Coordinator to help clients receiving sexual health services improve completion rates of HPV vaccine series and timely cervical cancer screening and follow-up as indicated (such as diagnostic testing like colposcopy).**

**Response:** A Registered Nurse will provide centralized care coordination support to Public Health's four family planning clinics, three primary care clinics and three school-based health centers. The primary responsibility of his role will be to support patient access to ongoing care through electronic health records tracking and patient contact to assure patients return for preventive care including HPV vaccine, screening and referral coordination for abnormal results for further diagnosis and treatment. The cost of a 1.0 FTE Registered Nurse for 2 year, including benefits and OH would be \$373,000. There is a possibility to scope this body of work for a different job class, which could reduce the costs.

**3. Increase funding for outreach and engagement programs such as the "HPV Vaccine Peer Champion" program.**

**Response:** CHS already has a team of family planning health educators who work with youth and young adults in schools and community-based agencies. Through their established relationships in these communities, they could expand the "HPV Vaccine Peer Champion." The team could support approximately up to 11 groups in 2019 and up to 14 in 2020.

In addition, Prevention could engage in efforts to increase knowledge and acceptance of HPV vaccines among parents/guardians and youth by:

- Leveraging resources and expertise with stakeholders to develop a comprehensive, coordinated communication campaign targeting parents (websites, PSAs, blogs, social media, and print), including messaging consistent with CDC's "HPV is cancer prevention" branding. For sub-populations, conduct formative research to develop culturally-competent messages and to identify accessible, acceptable and impactful modes of communication. Collaboration with multi-sector partners such as schools, faith-based and community-based organizations will expand the reach of the campaign.
- In an effort to engage with immigrant populations, host a series of community forums facilitated by trusted health care professionals. These forums will offer parents an opportunity to learn about HPV vaccine and ask questions.
- Sustaining and expand the school-based HPV vaccine promotion campaigns to reach additional school districts in King County and ensure sustainability of the peer-to-peer outreach and youth health advocacy model.

In order to conduct and coordinate the work outlined above, a Project Program Manager II (salary, benefits & OH) and HPV Vaccine Peer Champion supplies would be required at a biennial cost of \$335K.

**4. Support policy changes to address the following issues:**

- a. **Improve patient confidentiality for clients aged 19-26 under their parent's insurance by ensuring patients have the opportunity to limit disclosure of services to the policy holder.**
- b. **Mandate sexual health education in school in Washington State so young people receive accurate information about how to prevent HPV and access services if they need them.**

**Response:** Policy priorities are created and coordinated in conjunction with Executive's Office, with Foundational Public Health Services funding the current priority. The department would support other efforts at the state level to support policy changes and programs supporting HPV vaccination and screening.

The above strategies are the types of barriers identified by the King County Family Planning Access and Quality Committee that impact access to services and improve HPV rates. In addition, this Committee has identified the need to establish targeted community engagement to help the safety net system better identify and remove barriers such as those identified above as well as identify how and where to expand services to meet the needs of those residents most impacted by disparities. To support the Committee's work to coordinate across agencies, create and maintain community engagement, and identify ways to support policy change, a .50 to 1.0 FTE program manager would be needed with the cost ranging from \$200,000 to \$415,000 depending on job class and FTE level, including benefits and OH. Additional costs would include \$50,000 to \$75,000 to support community engagement participants and activities, such as stipends for participants, rental for events, etc. totaling a need of \$250,000 to \$490,000 for 2 years.

**Question #4. Should the four strategies be implemented and successful, can you quantify the impact to vaccination and screening rates for the county?**

**Response:** We continually strive to achieve the HealthyPeople 2020 Target of 80% HPV vaccine series completion. For the clinics that are participating in our Adolescent Immunization Quality Improvement Learning Collaborative (currently funded through Best Starts for Kids), we are expecting to see a 10-15% increase in HPV vaccine series initiation and completion rates above baseline by the end of the 9 month QI cycle.

For the strategies outlined above, quantifying the impacts would require significant additional scoping and detailed analysis. As with new program implementations, the Department would work to evaluate and quantify the program impacts, where possible.

**Question #5. Other countries that have been successful with eliminating HPV have instituted dedicated vaccination programs in schools. Can you speak to this particular strategy?**

**Response:** Differences in HPV vaccine coverage levels – particularly among high income countries (e.g. the US versus the UK and Australia) – reflect significant differences in delivery settings and existing infrastructures. In Australia, for example, voluntary school-based vaccination programs have evolved to become the primary method of delivering adolescent vaccines funded under Australia's National Immunization Program (NIP). These programs operate at a state and territory level and offer NIP vaccines to adolescents in specific school grades using local teams of trained vaccine providers. In the US, however, almost all childhood and adolescent vaccines are provided in a patient's medical home and Public Health routinely works with primary care providers to ensure quality immunization processes and adequate access to vaccines through the Vaccines for Children (VFC) program.

There are considerable political, organizational and logistical challenges to delivery of large scale immunization programs in schools in the US. Considerations include which organizational and funding models should be selected, questions about vaccine supply and distribution in light of the current national VFC program model, issues around staff capacity and workload, as well as how to inform parents, obtain consent, and minimize anxiety and distress to students.

[Blank Page]



Immunization coverage among King County adolescents aged 11 - 17 years old (yo) as of 12/31/2017																	
11-17 yo	Total pop	1+ TDaP		1+ MCV		1+ HPV		2+ HPV		3+ HPV		Series 1:1:1*		Series 1:1:2**		Series 1:1:3***	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
All	188809	137620	72.9	126523	67.0	105596	55.9	73838	39.1	45210	23.9	100774	53.4	71651	38.0	44239	23.4
Females	92624	67670	73.1	62312	67.3	53590	57.9	38425	41.5	24571	26.5	50865	54.9	37151	40.1	23973	25.9
Males	96185	69950	72.7	64211	66.8	52006	54.1	35413	36.8	20639	21.5	49909	51.9	34500	35.9	20266	21.1
11-12 yo	Total pop	1+ TDaP		1+ MCV		1+ HPV		2+ HPV		3+ HPV		Series 1:1:1		Series 1:1:2		Series 1:1:3	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
All	55294	34735	62.8	30669	55.5	24485	44.3	8490	15.4	2399	4.3	23164	41.9	8145	14.7	2307	4.2
Females	27169	17146	63.1	15169	55.8	12386	45.6	4420	16.3	1310	4.8	11643	42.9	4237	15.6	1254	4.6
Males	28125	17589	62.5	15500	55.1	12099	43.0	4070	14.5	1089	3.9	11521	41.0	3908	13.9	1053	3.7
13-17 yo	Total pop	1+ TDaP		1+ MCV		1+ HPV		2+ HPV		3+ HPV		Series 1:1:1		Series 1:1:2		Series 1:1:3	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
All	133515	102885	77.1	95854	71.8	81111	60.8	65348	48.9	42811	32.1	77610	58.1	63506	47.6	41932	31.4
Females	65455	50524	77.2	47143	72.0	41204	63.0	34005	52.0	23261	35.5	39222	59.9	32914	50.3	22719	34.7
Males	68060	52361	76.9	48711	71.6	39907	58.6	31343	46.1	19550	28.7	38388	56.4	30592	45.0	19213	28.2

Data source: Washington State Immunization Information System; all vaccines administered as of 12/31/2017

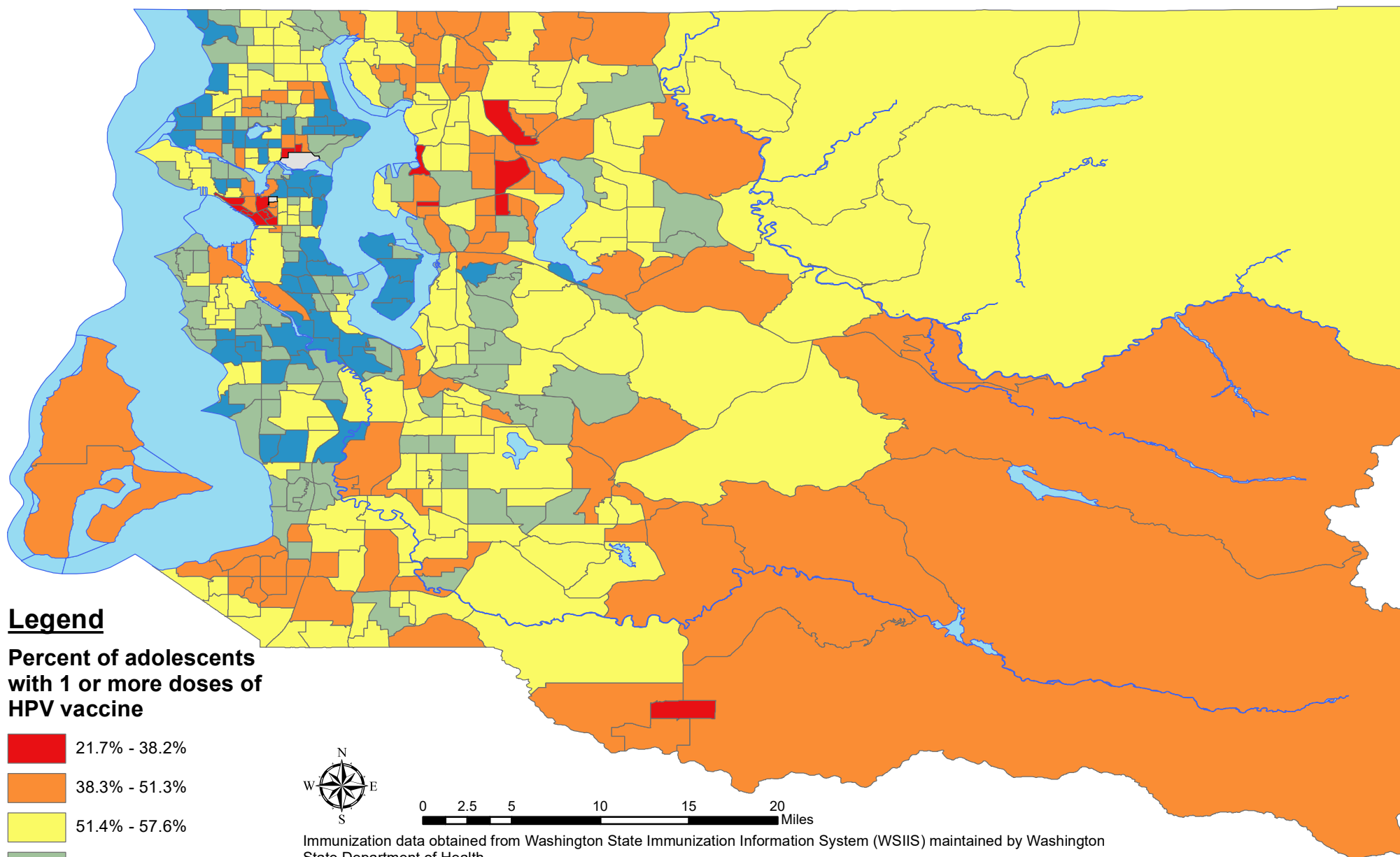
\*Series 1:1:1 consists of ≥1 dose of TDaP (tetanus, diphtheria, and acellular pertussis), ≥1 dose of MCV (meningococcal conjugate), and ≥1 dose of HPV (human papillomavirus) vaccines

\*\*Series 1:1:2 consists of ≥1 dose of TDaP (tetanus, diphtheria, and acellular pertussis), ≥1 dose of MCV (meningococcal conjugate), and ≥2 doses of HPV (human papillomavirus) vaccines

\*\*\*Series 1:1:3 consists of ≥1 dose of TDaP (tetanus, diphtheria, and acellular pertussis), ≥1 dose of MCV (meningococcal conjugate), and ≥3 doses of HPV (human papillomavirus) vaccines

[Blank Page]

# Percent of all adolescents aged 11-17 with 1 or more doses of HPV vaccine as of December 31, 2017, by census tract of residence



0 2.5 5 10 15 20 Miles

Immunization data obtained from Washington State Immunization Information System (WSIIS) maintained by Washington State Department of Health.

All King County adolescents aged 11-17 years by December 31, 2017 with information on gender and a valid residential address in the WSIIS dataset were included. All vaccines were administered by December 31, 2017. Percentages were calculated using the number of specified adolescents residing in each census tract with the specified number of vaccine doses as the numerator and the total number of specified adolescents residing in each census tract as the denominator. Percentages for census tracts with less than 30 adolescents not shown due to unreliable estimates.



[Blank Page]



**Metropolitan King County Council  
Budget Panel Discussion 2019-2020**

**EQUITY AND JUSTICE FOR ALL**

Panel Meeting #2 | October 25, 2018

Staff: Andrew Kim and Sahar Fathi

**DISCUSSION ON BUDGET PROPSALS**

**DELIVERY OF BENEFITS TO SUPPORT RESIDENTS IN POVERTY TO REACH THEIR FULL POTENTIAL**

- PROVISIO (\$2.4 million for DCHS Reorganization): Public Health – Seattle & King County (PHSKC) and Department of Community and Human Services (DCHS) to collaborate and conduct a joint assessment on the delivery of benefits and services to residents, particularly those residents in poverty. The assessment should evaluate all benefits and services where the county plays a role including those that are provided directly by the county, funded by the county but delivered through our contracted service providers, and partnered with the county. The assessment should include, but not be limited to, the following:
  - Conducting focus groups with various stakeholders including customers (those who receive benefits and services) and/or their family members, social workers, case workers, health care providers, and community organizations to inform the assessment. The focus groups should:
    - Identify gaps and barriers in delivering benefits to residents;
    - Understand ways to streamline the delivery so customers can receive all of the benefits and services in a single location and/or single method
    - For the customer focus groups, identify obstacles and challenges of identifying, applying, and receiving benefits and services (i.e. Are they receiving language translation? How long are they on hold when calling to apply for benefits? Do customers lack critical paperwork? Is it hard to sign up during the hours provided? Etc.)
    - For the community organization focus groups, evaluate the effectiveness of technical assistance provided by the county or lack thereof;
  - Inventory of all county benefits and services provided to residents, particularly those residents in poverty, and the requirements to receive those benefits and services. The inventory should determine whether all the benefits and services in the inventory can be applied through a single application form and identify the barriers for each benefit and service that are unable to do so;
  - Evaluating the role of technology on improving the coordination of benefits and services. This should include evaluating the county's existing

“customer/constituent” database and its capabilities, evaluating new and existing back-end technology such as data warehousing with business intelligence capabilities, and evaluating new and existing front-end technology tools such as smart phone applications, web portals, and a smart card;

- Evaluating efforts to “get out of the office and provide benefits and services where the people are” and determine the effectiveness of such practices to deliver benefits to residents;
- Assessing whether the county’s contracting requirements such as competitive procurement are hindering the coordination of benefits and/or burdening our contracted service providers;
- Evaluating the proposed reorganization of DCHS to determine its effectiveness on improving coordination of benefits to residents;
- Determining whether applying the county’s Lean principles and utilizing the resources of the Office of the Director of Customer Service may improve coordination of benefits and services.

## **PUBLIC HEALTH – REGIONAL HEALTH PLAN**

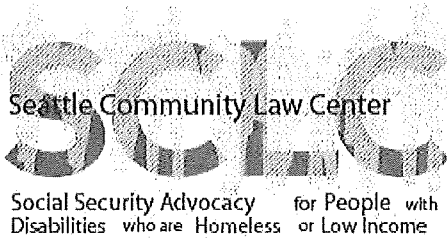
- PROVISOR: PHSKC to transmit a plan to implement a Regional Health Plan pilot program that would provide health care to low-income county residents that are not eligible to access health care through public programs such as Medicaid, Medicare, and subsidized health insurance under the Affordable Care Act (ACA). The plan to implement the pilot program should include, but not be limited to, the following:
  - Eligibility requirements for the pilot program;
  - Funding options that should evaluate both existing and new revenue sources;
  - Collaboration with HealthierHere, Northwest Health Law Advocates (NoHLA), and other organizations that are involved with county healthcare issues to inform the requirements of the pilot program;
  - Coordination with all Federally Qualified Health Centers (FQHCs) in the county and other health care providers that offer healthcare services to the underinsured;
  - An evaluation plan that should include, but not limited to, assessing the usage of the pilot program, measuring health outcomes of those benefitting from the pilot program, cost/benefit analysis comparing the overall cost of the pilot program and savings to the overall healthcare system as a result of the pilot program, estimate of the annual cost of operating a full-scale regional health plan for the county and the annual savings to the overall health care system as a result of a county regional health plan;
  - A roadmap which should include a timeline for implementing the pilot program, a timeline for evaluating the pilot program, and a timeline of when a full-scale implementation may be implemented, should the pilot program confirm the feasibility of a regional health plan for the county.

## **PUBLIC HEALTH – HPV (Human Papillomavirus)**

- PROVISOR: PHSKC to transmit a plan to vaccinate all county residents between the ages of 11 to 17 years of age. The plan should include, but not be limited to, the following:
  - Funding options that should evaluate both existing and new revenue sources;
  - Strategies to collaborate and coordinate with various stakeholders including schools, churches, health care providers, hospitals, community organizations, local jurisdictions, state agencies, etc.;
  - Identification of potential challenges and plans to mitigate those challenges;
  - Timeline for achieving full vaccination and identification of key milestones to monitor progress.
- \$120,000 for PHSKC – Purchase more HPV vaccines with aim to improve vaccine series initiation and completion rate by 15% among uninsured family planning and primary care clients' aged 19-26 years old.
- \$373,000 and 1.0 FTE for PHSKC – Fund a registered nurse to help clients receiving sexual health services improve completion rates of HPV vaccine series and timely cervical cancer screening and follow-up.
- \$335,000 and 1.0 FTE for PHSKC – Expand the “HPV Vaccine Peer Champion” program to increase knowledge and acceptance of HPV vaccines among parents/guardians and youth
- \$250,000 to \$490,000 – Provide staff support for the King County Family Planning Access and Quality Committee to coordinate across agencies, create and maintain community engagement, and identify ways to support policy change at the state level related to HPV.

[Blank Page]





1404 E. Yesler Way, Suite 203  
 Seattle, WA 98122  
 (206)686-7252  
 Fax (206)903-0675  
[www.seattlecommmlaw.org](http://www.seattlecommmlaw.org)

October 23, 2018

CM Rod Dembowski  
 Chair of Equity and Justice for All Committee  
 King County Council  
 516 Third Avenue, Room 1200  
 Seattle, WA 98104  
 SENT VIA EMAIL TO [Kristina.logsdon@kingcounty.gov](mailto:Kristina.logsdon@kingcounty.gov)

Dear Council Members Dembowski, Gossett, Upthegrove, and Lambert:

Thank you for the opportunity to speak at the October 18, 2018 Equity and Justice for All Committee. I spoke on a panel with Mr. Leo Flor and Mr. TJ Cosgrove to offer some suggestions on how the Council can use the upcoming budget process to better connect the direct benefits and services that the County provides to people living in poverty. My recommendations are based in my eleven years of experience delivering direct services as a poverty law attorney at the Seattle Community Law Center, and nine years directing a very small non-profit organization that delivers services for/with the County.

You will notice in my specific recommendations for investment in below that I am requesting that the level of funding that is allocated to Seattle Community Law Center be raised from \$43,000 to \$86,000. This will go a long way in helping our small organization raise salaries to keep quality staff in place.

## **RECOMMENDATIONS FOR YOUR APPROACH TO THE BUDGET PROCESS**

### **1. Invest in Infrastructure That Results in Stable Relationships for People Living In Poverty**

People living in deep poverty need are in critical need of having continuity in their relationships with caseworkers, social workers, medical providers, legal aid attorneys, and other front-line service delivery employees. Without continuity in these relationships, the clients lose connection, lose trust, and distance themselves from important services.

The infrastructure of the County's delivery system is dependent in part upon doing everything you can to support service providers in retaining excellent employees in their positions. Seattle Community Law Center experienced 66 percent turnover in program staff this year, and we continually witness the same kind of turnover in shelters and human services organizations that our clients engage with. It is critical to retain quality staff that keep strong relationships with poor people if the goal is to connect poor people to the benefits the county provides.

If we do not pay people a decent wage that will keep them in their positions, we will not be as efficient as we would like to be. Housing costs have risen rapidly and not a single nonprofit is keeping up. Retaining quality employees results in:

- Better coordinated service delivery due to retention of institutional knowledge;
- Less resources spent training new people;
- A more diverse workforce of service providers who can afford to take social service jobs; and
- Steady stable staffing that clients can trust.

If the County makes greater investments in services and organizations that are already delivering the benefits that the County has identified as critical, the delivery system will be more efficient and effective.

## **2. Utilize a Race & Equity Lens to Make Budget Decisions about Services and Organizations**

In addition to ensuring trusting and stable relationships for people living in poverty, the system you build to combat poverty will better serve the public when it deploys resources to:

- services and orgs that are consistently taking action to overcome systemic inequities that disproportionately impact people of color;
- organizations that can show they are holding up the mirror and working to understand their own implicit biases and the part they play in perpetuating the racialization of poverty;
- correct any irresponsible gate-keeping that stands in the way of people gaining access to low-barrier services and shelter;
- guarantee well-coordinated and highly communicative services; and
- organizations that deliver services within the communities where poor people live at the request of those communities, rather than expecting poor people to travel to the services in another part of the County.

In support of these factors, I offered a story that illustrates how these measures of success can shape and change the way that organizations and service providers that you work with apply for funding, analyze their own data, deliver services, and ultimately meet the needs of people living in poverty.

Thank you for the opportunity to present the story of our creation of the Mobile Legal Unit, the Justice Bus.

### **SPECIFIC RECOMMENDATIONS FOR INVESTMENT**

In response to a question about what services I believe should be supported or eliminated I offered the following:

- **Invest in SCLC and Legal Aid.** I ask that the county invest heavily in civil legal aid, and, in particular, the Seattle Community Law Center. The organizations that make up the Alliance for Equal Justice deliver on the points outlined above. In particular, the

Seattle Community Law Center (SCLC) is a model agency that delivers on all of the points outlined above. I illustrated this to you by presenting on our path to creating Washington's first ever Mobile Legal Unit – the Justice Bus.

- **The General Fund.** SCLC is seeking to have the amount of funds we get from the General Fund raised to \$86,000.
- **VSHSL.** SCLC is a recipient of VSHSL funds for seniors and when it is possible to apply for funds to serve vulnerable populations, we intend to seek a substantial amount of money to help us do an even better job at building relationships with clients that are living in deep poverty so that they may qualify for Social Security benefits and re-enter society.
- **People need to be housed.** Please invest in permanent low-income housing.
- **People need low and no barrier shelter.** Please invest in shelter space.
- **People need transportation.** Make public transportation free for poor people.
- **People need telephones.** In order for people to stay in touch with all of the services made available through county programs they must be able to communicate, voicemail is not enough. Invest in creating a free cell phone program. Absent this, they will need free transportation to get to and communicate with direct service providers.

I welcome the opportunity to speak about any and all of the matters above. Thank you for the opportunity to present this information to the committee. You can reach me at 206-686-7252 x104 or [alex@seattlecommlaw.org](mailto:alex@seattlecommlaw.org).

Sincerely,



Alex KF Doolittle  
Executive Director

cc: CM Larry Gossett  
CM Kathy Lambert  
CM Dave Upthegrove

[Blank Page]

July 18, 2018

Dear Members of the King County Board of Health, King County Council, and Seattle City Council:

We write in support of Northwest Health Law Advocates' (NoHLA) recommendations for county-based health coverage programs as a promising approach to providing comprehensive coverage to uninsured immigrants.

Although the Affordable Care Act led to a dramatic reduction in the number of uninsured Washington residents, many adult immigrants are still without coverage because the Medicaid expansion and other public programs restrict eligibility, including the Health Benefit Exchange. County-based programs are an effective way to close these gaps in coverage and ensure that immigrants can access health care.

County-based programs in other states such as California and Maryland provide immigrants with consistent access to health care services, reducing delays in care that otherwise result in exacerbated health conditions, and mitigating long-standing health inequities. Washington counties can develop similar programs based on these models, tailoring them to the specific needs and resources of their communities.

We support NoHLA's recommendation that counties develop programs for their adult immigrant residents. County plans should include:

- Comprehensive coverage, including a prescription drug benefit,
- Access to a patient centered medical home, and
- Wraparound benefits to ensure effective, accessible care, such as care coordination and medical transportation.

We applaud King County's 2018 Resolution renewing its commitment to ensuring access to health care for vulnerable populations including immigrants, people of color, and transgender individuals. A program that provides county residents access to the care they need to get and stay healthy will fill the gaps in health care identified in the Resolution. Please take action to implement this Resolution by adopting the county-based coverage program recommended by NoHLA.

Sincerely,

Ahmed Ali, PharmD, Executive Director  
Somali Health Board

Alison Mondj, Policy Analyst  
Arcora Foundation

Christine Lindquist, Executive Director  
Washington Healthcare Access Alliance

David Loud, Puget Sound Advocate for Retirement Action  
Representative to Health Care is a Human Right Coalition

Elizabeth Barbosa  
LatinX Health Board

Ellie Marsh, President  
Western WA National Association of Hispanic Nurses (WW-NAHN)

Eric Gonzalez Alfaro, Legislative & Policy Director  
Washington State Labor Council, AFL-CIO

Fajer Saeed Ebrahim, Reproductive Justice Legal Fellow  
Surge Reproductive Justice and Legal Voice

Faye Ziegeweid, Board Secretary  
Northwest Abortion Access Fund

Fred Swanson, Executive Director  
Gay City: Seattle's LGBTQ Center

Giselle Zapata-Garcia, Co-Chair  
Latinos Promoting Good Health

Ileana Maria Ponce-Gonzalez, Executive Director  
Community Health Workers Coalition for Migrants and Refugees

Ingrid Berkhout, Program Director  
Women's Health Outreach

Jackie Boschok, President  
WA State Alliance for Retired Americans

Janice Tufte, Communications  
Islamic Civic Engagement Project

Lisa Plymate, MD  
Washington State Director, Doctors for America and Board member, National Physicians Alliance

Luis Fernando Ramirez, Executive Director  
Entre Hermanos

Madeleine Foutch, Strategic Campaigns Coordinator  
SEIU 775

Marcos Martinez, Executive Director  
Casa Latina

Mercedes Cordova-Hakim, KCPN Lead  
King County Promotores Network

Mireya Borunda  
LatinX Health Board

Montserrat Jauregui  
LatinX Health Board

Nathan Rodke, Health Care Organizer  
Washington Community Action Network

Raleigh Watts, Executive Director  
Country Doctor Community Health Centers

Rich Stolz, Executive Director  
OneAmerica

Silvia Kennedy, Community Engagement Sr. Manager  
Susan G Komen Puget Sound

Teresita Batayola, President and CEO  
International Community Health Services

Tiffany Hankins, Executive Director  
NARAL Pro-Choice WA