



# King County

1200 King County  
Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Meeting Agenda

### Roundtable 1-Justice (Discussion Related to Proposed 2021-2022 Budget)

*Councilmembers: Rod Dembowski, Co-Lead; Girmay Zahilay, Co-Lead;  
Claudia Balducci, Jeanne Kohl-Welles, Kathy Lambert*

*Roundtable Lead: Tillery Williams (206-477-1202)  
Roundtable Assistant: Marka Steadman (206-477-0887)*

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9:30 AM

Tuesday, October 13, 2020

Virtual Meeting

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**PUBLIC NOTICE:** Roundtable 1's October 13, 2020 meeting will be held virtually. To help prevent the spread of the COVID 19 virus, the chambers will be closed and all committee members and staff will be participating in the meeting remotely. The live feed of the video conference will be streaming on the King County Council's website and on KCTV Channel 22.

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.

**HOW TO PROVIDE PUBLIC COMMENT:** Roundtable 1 values community input and looks forward to hearing from you on agenda items.

The Roundtable will accept public comment on agenda items in writing. You may do so by submitting your written comments to [kcccomitt@kingcounty.gov](mailto:kcccomitt@kingcounty.gov). If your comments are submitted before 8:00 a.m. on the day of the meeting, your comments will be distributed to the roundtable members and appropriate staff prior to the meeting.



*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.*



**HOW TO WATCH/LISTEN TO THE MEETING:** There are several ways to watch or listen in to the meeting:

- 1) Stream online via this link: <https://livestream.com/accounts/15175343/events/4485487>, or input the link web address into your web browser.
- 2) Watch King County TV Channel 22 (Comcast Channel 22 and 322(HD), Wave Broadband Channel 22)
- 3) Listen to the meeting by telephone.

Dial: 1 253 215 8782

Meeting ID: 541 737 1945

Password: 541205

To help us manage the meeting, please use the Livestream or King County TV options, if possible, to watch or listen to the meeting.

1. **Call to Order**
2. **Roll Call**

## **Briefing**

3. Briefing No. 2020-B0088  
  
Briefing on Proposed 2021-2022 Biennial Budget - Justice  
*Tillery Williams, Council staff*

## **Adjournment**

### **2021-2022 Council Budget Decision Guidelines for BFM and Roundtable meetings**

- Gain consensus on budget decisions (new adds, rejection of executive proposed cuts, new cuts, expenditure restrictions, provisos) with the following guidelines:
  - Reach consensus on concept and allow central and district staff to determine details;
  - For a new add or rejection of an executive proposed cut, the author of the proposal must determine either a supporting revenue source or a new cut. For each roundtable, such proposals must be within the scope of the roundtable policy area; and
  - If possible, avoid using General Fund's fund balance to support new adds or rejection of executive proposed cuts to maintain the 6% Ending Fund Balance.
- Include all BFM and Roundtable budget decisions in the Chair's Striking Amendment pending budget balancing.
- *Close* appropriation units where consensus has been reached on budget decisions and further public deliberation is no longer needed.
- Keep *Open* appropriation units that need further analysis and consensus has not been reached on budget decisions:
  - Week 1: BFM – Any open appropriation units that align with a Roundtable policy area will be discussed during Week 2 Roundtables; all other open appropriation units that do not align with a Roundtable policy areas will be discussed during Week 3 BFM meetings;
  - Week 2: Roundtable – Any remaining open appropriation units will be discussed during Week 3 BFM meetings; and
  - Week 3: BFM – Any appropriation units that have not been closed may be further deliberated in a meeting of the BLT (Budget Leadership Team), to be formed by the BFM if needed.
- All councilmembers should actively participate with proposals given and decisions made at BFM and Roundtable meetings.
- Roundtable Co-leads should facilitate building of consensus on proposed budget decisions.



**King County**  
**Metropolitan King County Council**

**Roundtable 1 Justice**

**October 13, 2020 – 9:30 a.m.**

*Councilmembers: Rod Dembowski, Co Lead; Girmay Zahilay, Co Lead; Claudia Balducci,  
Jeanne Kohl-Welles, Kathy Lambert*

*Tillery Williams, Roundtable Lead Staff  
Andrew Kim, Budget Lead Staff*

*Marka Steadman, Roundtable Assistant*

To show a PDF of the written materials for an agenda item, click on the agenda item below.

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**SUPERIOR COURT**  
ANALYST: CLIFTON CURRY

	<b>Expenditures</b>	<b>Revenues</b>	<b>FTEs</b>	<b>TLTs</b>
2019-2020 Revised Budget	\$116,332,245	\$8,115,674	327.8	0.0
2021-2022 Base Budget Adjust.	(\$1,986,305)	(\$563,410)	0.0	0.0
2021-2022 Decision Packages	(\$860,594)	(\$391,850)	(18.6)	0.0
<b>2021-2022 Proposed Budget</b>	<b>\$113,485,346</b>	<b>\$7,160,414</b>	<b>309.2</b>	<b>0.0</b>
% Change from prior biennium	(2.4%)			
Dec. Pkg. as % of prior biennium	(0.7%)			

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**Major Revenue Sources:** General Fund, fees

**Base Budget Assumptions:** (1) 0.0% GWI for 2021; (2) 2.0% GWI for 2022

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**DESCRIPTION**

King County Superior Court is the County's general jurisdiction trial court and the largest of the 29 superior court districts in Washington State, handling over 53,000 new cases in 2019. The Court currently has 53 judges and 9 commissioners. The cases over which Superior Court has jurisdiction include felony criminal cases, civil matters involving more than \$300, unlawful detainers, injunctions, family law cases, probate and guardianship matters, juvenile offender cases, juvenile dependency cases, and mental illness and involuntary commitment matters. The court manages or participates in three MIDD-funded therapeutic court programs: Family Treatment Court, King County Adult Drug Diversion Court, and Juvenile Therapeutic Response and Accountability Court (formerly known as the Juvenile Drug Court.)

**SUMMARY OF PROPOSED BUDGET AND CHANGES**

The Executive's proposed budget would decrease the Superior Court appropriation by \$2.8 million or 2.4 percent, from \$116.3 million in the 2019-20 biennium to \$113.5 million in the 2021-22 biennium. Revenues are expected to decrease by 11.8 percent, from \$8.1 million in 2019-20 to \$7.1 million in 2021-22. The proposed employee count for Superior Court would be reduced by 18.2 FTEs over the biennium. The court's budget contains several reductions, the transition of therapeutic court costs from the MIDD Fund to the General Fund and adds the costs of two new judicial positions (a new judge and commissioner) and the staff that support the new judge.

**Direct Service Changes:** The Superior Court 2021-2022 budget proposal contains a variety of proposed reductions—many to be taken as a result of the severe strain on the County's General Fund. However, some of the reductions are predicated on the implementation of proposed juvenile offender diversion programs. The court's budget

proposal includes a reduction of \$891,927 and 4.0 FTEs to meet its General Fund Reduction targets<sup>1</sup> along with a reduction of \$800,126 and 3.0 FTEs by reducing Court Reporter positions and a supervisor position. Furthermore, as an Administrative Change, the court's budget includes a reduction of \$1.2 million that would be achieved by all non-elected court staff taking five (furlough) unpaid days in both years of the biennium, for a total of ten furlough days. The Superior Court budget also contains a proposed \$980,000 technical reduction that captures salary savings through a vacancy rate adjustment.

In addition to these reductions, the court's budget contains a reduction of \$1.1 million and 15.0 FTEs related to the implementation of a new juvenile diversion initiative promulgated by the Prosecuting Attorney's Office (see below).

The budget proposal also includes a funding shifts for the King County Adult Drug Diversion Court, Juvenile Therapeutic Response and Accountability Court, and Family Treatment Court<sup>2</sup>. The Superior Court operates (with support from DJA) three of the County's therapeutic courts that receive funding through the County's Mental Illness and Drug Dependency (MIDD) Fund in addition to the state's Criminal Justice Treatment Account (CJTA).<sup>3</sup> Because of the significant revenue reductions in the MIDD fund due to the COVID pandemic, the Superior Court budget proposal reduces MIDD funding for each of the Adult Drug and Family Treatment courts for a total of \$248,324 moving most of these expenditures to the General Fund, where the General Fund will be backed up by revenues from the state CJTA, allowing for the continuation of these services while reducing the pressure on the MIDD Fund. However, the Court does report that there will be a slight decline in funding for the Family Treatment Court of \$226,110, a reduction of approximately eight percent (where total expenditures for 2019-20 were \$2.7 million and are proposed to be \$2.5 million in 2021-2022) due to the reduction of MIDD revenues.

**Administrative Service Changes:** The Superior Court budget request includes an addition of \$805,681 and 3.0 FTEs to support a new judicial officer. The number of Superior Court judicial positions is established in state statute.<sup>4</sup> Currently, the county has 53 Superior Court judges and nine commissioners. In May 1989, the County adopted Ordinance 8936, which enacted an agreement between the Executive, the Superior Court, and the County Council establishing a system for the creation of new judgeships. This inter-branch planning and coordination process was called a "Protocol" and a protocol committee, supported by a technical committee (primarily analytic staff from each branch of County government), was created to review court

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<sup>1</sup> Vacant positions: Family Law Seminar Tech, Civil Case Specialist, and two Juvenile Probation Counselors.

<sup>2</sup> Family Treatment Court (FTC) began in August 2004. Family Treatment Court is an alternative to regular dependency court and is designed to improve the safety and well-being of children in the dependency system by providing parents access to drug and alcohol treatment, judicial monitoring of their sobriety and individualized services to support the entire family.

<sup>3</sup> The Criminal Justice Treatment Account (CJTA), established in RCW 70.96A.350, began in 2002 to aid those involved in the criminal justice system gain access to substance use disorder treatment. Specifically, this funding was dedicated to support defendants with a substance use disorder — including those enrolled in a drug court program.

<sup>4</sup> RCW 2.08.061 establishes 58 positions for King County and allows the county to fill positions up to that limit, but only if the County Council approves the positions and agrees to pay half the salary and all other costs associated with new positions.

workload and determine when new judicial officers were needed. The protocol committee has representatives from the court, Department of Judicial Administration, the Council, the Executive, and the local bar. The committee has established specific criteria for reviewing the workload of the court, including defined indicators and has developed a set of indicators to measure judicial need. The committee has used the indicators to inform decisions on whether to increase or decrease the number of King County Superior Court judicial officers (judges and commissioners). In 2019, members of the committee met and acknowledged that the various indicators represented the need for added judicial officers. The committee agreed to the addition of one Superior Court judge and one commissioner in the 2021-2022 budget to address the increase in court workload.<sup>5</sup> This funding request would fund the new judge and the other court staff that support the new positions. The judge and bailiff positions would begin in July 2021.

### **KEY ISSUES**

#### **ISSUE 1 –RESTORATIVE COMMUNITY PATHWAYS (REDUCTION OF \$1,110,238 & 15.0 FTEs)**

In lieu of filing charges, the King County Prosecuting Attorney's Office proposes to refer up to 600 young people (about 60 percent of cases) pre-filing in 2022 to community-based organizations for comprehensive services intended to promote accountability, healing, and avoid future involvement in the criminal legal system. This new diversion program referred to as "Restorative Community Pathways (RCP)" was developed in partnership between community organizations, the Department of Public Defense, the PAO, and the Department of Community and Human Services. This program will serve youth ages 12-17 and will address misdemeanors (except domestic violence and sexual assault) and many first-time felony charges. Eligibility is at PAO discretion and PAO will consider other factors such as criminal history, level of injury, and use of a deadly weapon.

RCP will both complement and expand on pre-filing diversion opportunities for justice involved youth. Cases will continue to be diverted through the Choose 180 workshop (first time juvenile misdemeanor offenders) and FIRS program (intra-familial domestic violence cases). The RCP program would also include appropriate services and support for harmed parties and a restitution fund so that youths who cannot pay fines or other financial obligations do not end up in a cycle of probation violations and incarceration.

The total appropriation for this program is \$6.2 million, largely in the DCHS – Employment Education Resources appropriation, and includes funding for the following:

- \$5.2 million for community grants for DCHS (of this, PAO anticipates \$150,000 will be needed for a restitution fund)
- \$509,917 and two FTEs for DCHS to manage the program
- \$500,000 for program evaluation

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<sup>5</sup> The Superior Court indicates that it will use its new judicial officers to increase support for the ITA Court and Family Law *Ex Parte* calendars.

DCHS Children Youth and Young Adults Division will work with DPD, PAO, and community organizations serving youth and harmed parties to develop a selection process for community-based organizations. Selected RCP community-based organizations are expected to begin receiving referrals by July 2021. Council staff have asked PSB for information on the capacity of existing community-based organizations to do this work and whether there is any funding in the proposed budget specifically dedicated to building the capacity of community-based organizations to serve as part of a diversion program.

The program would largely be funded by the General Fund (\$5.2 million) and from Best Starts for Kids (\$1 million from shifting the BSK funding for existing CEDAR and Theft 3 diversion programs into this program). According to Executive staff, the program will eventually be fully funded through staff savings throughout the criminal justice system by diverting cases away from the criminal legal system. The proposed budget includes savings expected in the appropriation units listed below beginning in 2022 as a result of the effects of this program. The savings are discussed in the staff report for each appropriation.

The executive proposed budget contains a reduction of \$1.1 million and 15.0 FTEs related to the implementation of the RCP and the potential reduction in the number of youth who would be diverted from Juvenile Court jurisdiction. The proposed court reduction to its Juvenile Probation Services budget is a “placeholder” estimate and is subject to change based on the timing of the initiation of the RCP and the actual number of youth diverted. Further, the reductions are based on implementation in 2022 and no 2021 reductions are included in the court’s budget related to the implementation of this program.

The committee’s consideration of the overall impacts of the RCP program was discussed in the Prosecuting Attorney’s budget during the October 7<sup>th</sup> Budget and Fiscal Management Committee meeting.

### **RESPONSE TO COUNCIL INQUIRIES**

**QUESTION 1: WHY IS THE 4<sup>TH</sup> AVENUE ENTRANCE TO THE COURTHOUSE BEING CLOSED WHEN STAFF AND THE COURT HAVE EXPRESSED CONCERNS ABOUT THE SAFETY OF THE 3<sup>RD</sup> AVENUE ENTRANCE FOR STAFF AND JURORS?**

**ANSWER:** The closure of the 4<sup>th</sup> Avenue entrance is an issue in the Sheriff’s Office budget, where it will be more fully discussed.



**QUESTION 2: WILL THE COURT’S PROPOSED CUTS TO ITS JUVENILE PROBATION STAFF BE SUBJECT TO EVALUATION BEFORE BEING IMPLEMENTED? THIS QUESTIONS ALSO APPLIES TO PROPOSED REDUCTIONS—IN THE DAJD BUDGET—FOR JUVENILE DETENTION STAFF.**

**ANSWER:** According to the Executive, the proposed 2022 reductions for juvenile probation and detention staff are placeholders and will be revised after the County has better developed the Restorative Community Pathways program.

## **ADULT & JUVENILE DETENTION**

ANALYST: CLIFTON CURRY

	<b>Expenditures</b>	<b>Revenues</b>	<b>FTEs</b>	<b>TLTs</b>
2019-2020 Revised Budget	\$331,793,089	\$54,126,771	928.0	1.0
2021-2022 Base Budget Adjust.	(\$3,663,970)	(\$185,479)	0.0	0.0
2021-2022 Decision Packages	(\$1,443,733)	(\$29,657,179)	(58.0)	(1.0)
<b>2021-2022 Proposed Budget</b>	<b>\$326,696,000</b>	<b>\$24,285,000</b>	<b>870.0</b>	<b>0.0</b>
% Change from prior biennium	(1.5%)			
Dec. Pkg. as % of prior biennium	(4.4%)			

**Major Revenue Sources:** General Fund, state and local fees.

**Base Budget Assumptions:** (1) 0.0% GWI for 2021; (2) 2.0% GWI for 2022.

### **DESCRIPTION**

The King County Department of Adult and Juvenile Detention (DAJD) operates one of the largest detention systems in the Pacific Northwest. The department operates two adult detention facilities; the King County Correctional Facility (KCCF) in Seattle and the Maleng Regional Justice Center (MRJC) in Kent.<sup>1</sup> Prior to the COVID pandemic, the adult system had seen more than 32,000 bookings in 2019 and was housing a total of 1,977 inmates on an average daily population (ADP). The department's Juvenile Detention Division is responsible for the operation of the county's juvenile secure detention facility in Seattle that housed 43 offender youth on an average daily basis in 2019. However, as a consequence of the COVID pandemic and the implementation of policies to ensure that the spread of the virus was contained, detention populations were significantly reduced in 2020. Adult jail ADP went from 1,945 in February to 1,305 in August. Similarly, juvenile secure detention ADP went from 34 ADP in February to 20 in August.

In 2000 (juveniles) and in 2002 (adults),<sup>2</sup> the Council adopted as county policy that its secure detention facilities would only be used for public safety purposes. As a result, the county has developed alternatives to secure detention, provides treatment resources to offenders, and provides other community services to offenders to reduce recidivism. Alternatives to secure detention and treatment programs for adults are administered through the department's Community Corrections Division (CCD). The division also provides services to the court to support judicial placement decisions for

<sup>1</sup> Medical, dental, and psychiatric services for adults in secure detention are provided by the Department of Public Health and the costs of these services are reflected in the Jail Health Services budget. (The Jail Health Services budget is presented in a separate staff report).

<sup>2</sup> Juvenile Justice Operational Master Plan Ordinance 13916, adopted August 7, 2000 and the Adult Justice Operational Master Plan Ordinance 14430, adopted July 22, 2002.

both pre-trial and sentenced inmates. Alternative programs for juvenile offenders are provided through the Juvenile Detention Division.

### **SUMMARY OF PROPOSED BUDGET AND CHANGES**

The department's 2021-2022 executive proposed budget is \$326.7 million, \$5.1 million or 1.5 percent lower than the amount approved in the 2019-20 adopted budget. For the 2021-2022 budget, the department projects that its revenues will be \$24.3 million, 45.2 percent lower than the current biennium. The proposed budget is based on maintaining its current significantly reduced levels of adult and juvenile secure detention populations, but with a corresponding reduction in contract revenue from the state and cities. Additionally, the Executive is proposing to eliminate the Community Work Program and close the Work/Education Release program in the County Courthouse (retaining a limited number of work release beds through a contract with state). The budget also includes a proposal to begin a strategic planning process for the future of the Children and Family Justice Center.

**Direct Service Changes:** The Executive is proposing reductions totaling \$3.1 million and 38.0 FTEs for secure detention of juveniles and adults. In addition, the department's Community Corrections Division would also take reductions totaling \$4.9 million and 19.0 FTEs through the closure of two alternatives-to-secure-detention programs. These proposals are described in detail below.

The department is also proposing to reduce \$933,039 from the DAJD budget for the South King County Pretrial Services Project, now known as the Pretrial Assessment and Linkage Services (PALS) program in South King County. The original project was not implemented because of the COVID pandemic. However, the basic concept of using community resources and providers to assess and provide services to pretrial defendants will continue using state and MIDD funding and be administered by the Department of Community and Human Services.<sup>3</sup>

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<sup>3</sup> The PALS program invests in community partnerships with behavioral health and other human services providers to intervene and assist adult individuals referred by King County Superior Court and courts of limited jurisdiction located in South King County by providing responsive services and supports based on validated screening and needs assessment. Such assessment services are centralized in one location in Kent to streamline linkage and access to needed and ongoing services that are provided in the individual's local community. 1) Access to PALS is available to adult individuals on felony pretrial status through King County Superior Court in Kent (Maleng Regional Justice Center); 2) Access to PALS is also available to adult individuals on misdemeanor pretrial status through municipal courts located in South King County; and 3) Participants must have an address in South King County or have family or community ties to South King County if experiencing homelessness or unstable housing at time of placement. The PALS program is funded from state Medicaid allocated via the Washington State Health Care Authority to Managed Care Plans operating within King County that subcontract with King County DCHS to provide integrated behavioral health services to publicly funded individuals who reside in King County or are experiencing homelessness and the Mental Illness and Drug Dependency (MIDD) sales tax revenues (administered by DCHS).

The department is requesting \$222,000 to provide an electronic mail scanning service that would allow DAJD to electronically scan all incoming mail for inmates and allow the inmates to access their mail via an electronic device. The department notes that this is not a technology project but is a vendor-provided solution to handling mail to incarcerated individuals in order to reduce contraband being introduced into secure detention. Under this proposal, all mail to individuals inside the jail would be sent to the vendor's mail processing center where it is scanned and sent back electronically. Recipients will then be able to view their mail on kiosks and the video consoles already in jail housing units. The department's phone/video visitation vendor would provide this service. The budget request also contains funding of \$308,397 and 1.0 FTE for a Public Information Officer. There is also request for \$547,610 to begin a strategic planning process for the future of the CFJC (as described below). Finally, the DAJD budget contains net additions of \$7.1 million in Technical Changes ranging from a \$1.2 million reduction in vacancy rates to \$3.6 million add for overtime account adjustments.

### **KEY ISSUES**

#### **ISSUE 1 – JUVENILE SECURE DETENTION POPULATION // RESTORATIVE COMMUNITY PATHWAYS (REDUCTION OF \$1,198,258 & 8.0 FTEs)**

Prior to the onset of COVID-19, and in preparation for the 2019 budget year, the average daily population (ADP) target for juvenile detention was 55 youth. At the onset of the COVID-19 pandemic, the department in conjunction with the Juvenile Court and other stakeholders, identified several policies to reduce the population in detention to ensure social distancing and to protect both detainee and employee health. The actual average ADP in 2019 was 43 and thus far the 2020 year-to-date ADP has been 30 youth (in August it was 20 ADP). According to the Executive, the original detention staffing plan for juvenile detention officers anticipated having four boys' living halls and one girls' living hall staffed to handle an ADP of 54 youth. Nevertheless, DAJD is now expecting ADP to remain in the 25 to 30 range throughout the biennium and that staffing reductions will be possible in 2022, as the pandemic crisis eases. As a result, the department's budget request is based on closing one living hall and eliminating 5 posts, which results in a corresponding reduction of about 7.5 FTEs, which was rounded to 8.0 FTEs in the proposed budget.

It should be noted that this estimate also includes the potential benefit from the Restorative Community Pathways (RCP) program. In lieu of filing charges, the King County Prosecuting Attorney's Office (PAO) proposes to refer up to 600 young people (about 60 percent of cases) pre-filing in 2022 to community-based organizations for comprehensive services intended to promote accountability, healing, and avoid future involvement in the criminal legal system. This new diversion program referred to as "Restorative Community Pathways (RCP)" was developed in partnership between community organizations, the Department of Public Defense, the PAO, and the Department of Community and Human Services. This program will serve youth ages 12-17 and will address misdemeanors (except domestic violence and sexual assault) and

many first-time felony charges. Eligibility is at PAO discretion and PAO will consider other factors such as criminal history, level of injury, and use of a deadly weapon. The use of this new diversion program could help keep juvenile detention populations lower after its implementation in 2022 and the executive proposes reduction of \$206,402 and 1.6 FTE in the DAJD proposed budget. The executive proposed RCP Program invests \$6.2 million to expand pre-filing diversion opportunities. This proposed appropriation is discussed in the DCHS-Employment Education Resources staff report.

The committee's consideration of the overall impacts of the RCP program was discussed in the Prosecuting Attorney Office's budget during the October 7<sup>th</sup> Budget and Fiscal Management Committee meeting.

## **ISSUE 2 – ADULT SECURE DETENTION POPULATION (REDUCTION OF \$1,940,903 & 30.0 FTEs)**

According to the Executive, unlike past years, the department did not rely on forecasts based on its traditional methodology (projections using prior historical trends and an evaluation of projected changes in population or policy changes) to estimate secure detention population for 2021 and 2022. For example, the department's budgeted population for 2020, based on these historical projections, was 2,034 ADP and actual ADP in February 2020 was 1,945 ADP.

However, with onset of the COVID Pandemic and the need to protect both inmates and staff in the jail, the department took several actions. The department worked with the Superior Court, District Court, and the Prosecuting Attorney to develop mechanisms to ensure that the use of detention was limited. In addition, the department limited the use for the jail for its contract partners--state Department of Corrections community supervision violators and city misdemeanants.

As a result of these changes, ADP dropped to 1,305 ADP in August 2020. Rather than using historic projections for the development of the department's 2021-2022 population estimates for the development the department's biennial budget, the Executive instead directed DAJD and other criminal legal system actors to follow policies that will maintain ADP at the current pandemic level of 1,300 to 1,350 ADP even after a return to normal operations.<sup>4</sup> The budget proposal, using these estimates would allow DAJD to close one floor of the King County Correctional Facility in mid-2022 for a reduction of \$1.9 million and 30.0 FTEs for the biennium. In order to close a floor, the department notes that it will be necessary to maintain ADP close to 1,300 even after conditions allow

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<sup>4</sup> For example, the PAO proposes to divert approximately 1,000 of the lowest-level first time felonies and some misdemeanor filings from the judicial system each year and refer these people to community-based alternatives that emphasizes restorative justice and restoration for harmed parties. According to the PAO, after reviewing law enforcement referrals for eligibility, cases would be referred prior to the Prosecutor filing charges in order to avoid the involvement of the judicial system. The program will be focused on first time felony offenders committing property and drug related offenses. Defendants who commit similar misdemeanors will be offered the opportunity to participate as well. The major components of this program have not yet been finalized.

DAJD to return to normal operations and that it is unlikely that a floor will be closed prior to July 1, 2022. The department also notes that, depending on the floor selected for closure and how it is intended to be used, it may be necessary to retain some of the 30.0 FTEs eliminated in this proposal. According to the Executive, the exact number of FTEs that can be eliminated will be determined during the department's planning efforts prior to closure, and if necessary, a proposal for supplemental appropriation to retain some of these positions will be transmitted to Council.

### **ISSUE 3 – REDUCTIONS IN CITY AND STATE JAIL CONTRACT REVENUES** **(REVENUE REDUCTION OF \$21,218,060)**

The County has contracts with the state Department of Corrections (DOC), the City of Seattle, and other cities to provide jail services. For state DOC Community Corrections violators, the contract includes an agreed daily rate for violators in county facilities, asks the state to pay for all inmates receiving medical or psychiatric services, and continues the reciprocal bed use whereby the state may use 20 beds in King County work release facility in exchange for 30 beds in the state's work release facilities. The city contracts contain agreements for the payment of booking fees, daily fees, and the costs for medical and psychiatric services. The Adopted 2019-2020 Budget estimated that state and city contract revenues would have totaled \$49.7 million.

As noted in the previous issue, with onset of the COVID pandemic and the need to protect both inmates and staff in the jail, the department took several actions. One of which was to limit the use for the jail for its contract partners--state Department of Corrections community supervision violators and city misdemeanants. As a result of these changes, the overall secure detention ADP dropped significantly in 2020. The state had 177 ADP in February 2020, dropping to one ADP for June, July, and August. City use also declined, where cities had 196 ADP in February 2020, declining to 59 ADP in August (the City of Seattle accounted for 55 ADP). During this timeframe, the department has also seen a significant reduction of revenues.<sup>5</sup>

Rather than using historic projections for the development of the department's 2021-2022 population estimates in developing the department budget, which would have included the continued historical use of the jail by the state and cities, the Executive instead has directed that the department will maintain secure detention ADP at the current level of 1,300 to 1,350 ADP even after a return to normal operations. As a consequence, the department's budget assumes that there will be no DOC violators housed in secure detention during the biennium (with a reduction in revenue of \$7 million) and that city numbers will also be kept at low numbers (with a reduction of about \$14 million) for a total reduction of \$21.2 million in contract revenue compared to 2019-2020.

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<sup>5</sup> Over \$10 million as of August 2020.

**ISSUE 4 – WORK EDUCATION RELEASE CLOSURE (REDUCTION \$2,688,986 & 11.0 FTEs AND \$100,000 REVENUE REDUCTION)**

The Community Corrections Division operates the Work/Education Release (WER) Program which is an alcohol and drug free residential alternative for offenders who are employed or are in one of the County's special treatment courts. When not at work or treatment, offenders are required to be in the WER facility. Offenders are involved in a case management process that directs them to structured programs and/or treatment. The program operates primarily with 79 beds on the 10<sup>th</sup> floor of the King County Courthouse and 28 shared beds with the state Department of Corrections (two locations with 20 beds for men and eight for women). Participants can be pre-adjudicated or sentenced misdemeanants or felons.

The 2015-16 Adopted Budget reduced this program by cutting WER population by approximately half. The reduction was achieved by limiting the court's ability to use the alternative for only employed offenders and Drug Court participants—it had previously been open to any person. The Executive's Proposed 2017-18 Budget included the elimination of the Community Corrections Division's Work/Education Release program. The King County Council revised this proposal in the 2017-18 Adopted Budget to continue Work/Education Release operations through 2017, with a potential closure sometime in 2018. In addition, the Council included in the 2017-18 Adopted Budget a proviso in the Office of Performance, Strategy and Budget (PSB) budget to analyze options for providing WER and EHD programs as an alternative to the potential program closure in 2018.

The Executive transmitted the required motion and the report entitled "Work Education Release and Electronic Home Detention Options for King County Proviso Response" on April 28, 2017. The report contained both short- and long-term recommendations to support these alternatives programs.

Recognizing the importance of maintaining viable alternatives to secure detention, the Council created the Special Committee on Alternatives to Secure Detention in 2017 with a goal of identifying interim and long-term options to keep the WER program open. The Committee's initial meetings included briefings on the WER and EHD programs, along with all Community Corrections Division programs. Additionally, at several meetings, members were briefed by FMD staff on the types of facility options that might be considered for the relocation of the programs. The Committee also reviewed FMDs estimated costs and timelines for a Master Planning effort for both the short-term and long-term relocation of the Work/Release facility. At its September 27, 2017 meeting, the Committee adopted Motion 14972 which accepted the WER and EHD proviso report, but also amended the motion to include policy guidance for the continuation of the EHD and WER programs. The Committee amended the motion to include the following policy statement:

“King County’s work education/release and electronic home detention programs will be part of a continuum of programs that provide alternatives to incarceration, help reduce recidivism and racial disproportionality in the criminal justice system, and improve public safety.”

In addition, the Committee agreed with the proviso workgroup and acknowledged that the WER program should be continued through the 2017-2018 biennium. As a result, the Executive included in the 2017-18 Second Omnibus, a request for additional expenditure authority of \$1.4 million (\$461,000 revenue) for the WER program. The Council agreed to the request and, adopted in Ordinance 18602, the increase in the authority for WER funding, at existing operational levels, to maintain the program through 2018. The WER program was funded at these same levels for the 2019-2020 biennium.

With onset of the COVID pandemic and the need to protect both inmates and staff in the jail, the department took several actions. One of these actions was to close the WER program. DAJD reports that it released individuals from WER gradually over the 3<sup>rd</sup> and 4<sup>th</sup> weeks of March, closing it entirely on March 28<sup>th</sup> to create contingency housing (if needed for inmate social distancing) and reduce the chance of disease spread. According to data provided by DAJD, half of the program participants were either released or transferred to other alternative programs (such as electronic home monitoring).

In developing its 2021-2022 budget proposal and looking to meet its General Fund target reductions, the department is proposing the permanent closure of the WER program for a reduction of \$2.7 million and 11.0 FTEs (10 Correctional Officers and one caseworker). The Executive notes that the condition of the facility on the 10<sup>th</sup> floor of the Courthouse was a major consideration in the decision to close WER. Architecturally, the Courthouse location is the same today as it was when it opened as the County’s jail in 1931 and is fundamentally unsuited for a modern corrections program in King County. In response to staff questions, the Executive notes that the WER in the King County Courthouse is planned to remain closed permanently and that there is no planning effort for a future WER program at present, and that it would not be possible to establish a new program unless funding were identified.

While the County program is proposed to close, the department notes that the County will allow DOC to house in secure detention up to 30 of their violators at any given time and in return the County will be provided 20 of DOC’s work release beds for County participants. If this proposal is adopted, the department reports that the County will need to negotiate with the DOC on actual terms of this new agreement to retain these beds.

**ISSUE 5 – COMMUNITY WORK PROGRAM ELIMINATION (REDUCTION \$2,192,919 & 8.0 FTEs AND \$600,000 REVENUE REDUCTION)**

Among several alternatives programs, the Community Corrections Division manages the Community Work Program (CWP) which allows King County District Court to



sentence offenders to work crews to perform supervised manual labor for various public service agencies. The program is designed to provide a diversion from jail for low-level, low-risk offenders and a visible restitution to the community (persons with misdemeanors, gross misdemeanors, fines, relicensing, Prosecuting Attorney Office Diversion, and Contempt Order Violators are all eligible to participate in the program). Offenders are sentenced directly to the CWP and may work off their fines, regain their driver's license or complete the terms of their sentence by participating in the program. Individuals who are able to participate in work crew can receive credit towards King County District Court fines at the rate of \$150 for every eight-hour day worked.

The Community Work Program (CWP) was closed early in the coronavirus crisis due to the need for social distancing. Rather than planning for a future reopening, the Executive directed DAJD and PSB to find a more efficient and less punitive way to provide participants a means to be relicensed and also use the fine repayment services available through CWP. The proposed reduction for the biennium is \$2.2 million and 8.0 FTEs. The Executive reports that the PSB Criminal Justice Team is expected to work closely with DAJD and District Court in developing new options in conjunction with County's Re-Licensing Programs.

#### **ISSUE 6 – STRATEGIC PLANNING PROCESS FOR THE CFJC (\$547,610)**

The executive proposed budget contains a proposal that would add \$547,610 for the 2021-2022 biennium to develop a strategic plan for the future of juvenile detention at the Children and Family Justice Center (CFJC). According to the Executive, this proposal has two parts. The first would be the use of \$247,611 for a TLT project manager position that runs through June 30, 2022 (although no TLT authority is being requested). The second element would be the expenditure of \$300,000 to hire a firm to engage in a strategic planning process with the intent to develop a Master Plan that would propose a set of recommendations to achieve community safety needs of securing high-risk youth in an environment other than the current detention facility at the CFJC; along with options for an alternative use of the CFJC detention space.

According to materials provided by the Executive, "the project manager would report to the DAJD Juvenile Division Director, who will also serve as the project sponsor. As envisioned, the project plan will include:

- Legal research to outline and clarify federal, state, and local mandates regarding juvenile detention.
- Multi-level engagement process with community, labor representatives, juvenile justice practitioners, and other stakeholders to identify and explore alternatives to the current secure custody model and potential repurposing opportunities for the existing CFJC structure.
- Site visits to jurisdictions implementing promising practices supported by a community-based infrastructure to sustain effective alternatives to detention for high-risk, high-need, juveniles.

- Analysis of capital needs to support therapeutic residential care for youth unable to return home due to individual or community risks or needs.”

Executive staff note that the project timeline is not yet determined, but this work is intended to commence as early as possible in the 2021-2022 biennium.

### **RESPONSE TO COUNCIL INQUIRIES**

#### **QUESTION 1: DOES DAJD OVERSEE ELECTRONIC HOME MONITORING (EHM) 24-HOURS-A-DAY / 7-DAYS-A-WEEK AND REPORT VIOLATIONS TO THE COURT?**

ANSWER: As of October 8, 2020, there were 213 individuals on EHM (DAJD is budgeted for 65 persons on EHM). The County has significantly expanded the use of the EHM as part of its response to the COVID pandemic. Nevertheless, the use of EHM is restricted by state statute (for pretrial defendants: see RCW 10.21.015 regarding violent and sex offense restrictions, and for sentenced individuals: see RCW 9.94A.734 for restricted crimes). RCW 9.94A.736 requires that:

*“(2) A monitoring agency shall:*

*(a) Provide notification within twenty-four hours to the court or other supervising agency when the monitoring agency discovers that the monitored individual is unaccounted for...”*

The placement of a person on EHM can occur pre-trial or as part of a criminal sentence. The decision to place a person on EHM is made by a judicial officer, with input from the PAO, defense attorney, and DAJD. Once placed on EHM, staff from the department’s Community Corrections Division (CCD) attach the equipment needed for monitoring after instructing the individuals on the program requirements.

The actual monitoring of persons is accomplished by a private vendor, which monitors 24 hours-a-day/7 days-a-week, where the vendor of the service notifies CCD immediately after the violation occurs via email. When there is a violation, CCD staff notify the court and the court can take a variety of actions, including ordering a hearing or issuing an arrest warrant. It should be noted that the County does not have staff that go out to a participant’s home when there is a violation. With the current system, CCD staff had not worked on weekends, or after regular business hours, since the court wasn’t working during these hours.

The department has noted that:

- DAJD’s Electronic Home Monitoring vendor, BI, monitors participants 24/7;
- DAJD’s caseworkers are notified in real time by the vendor when a violation occurs;
- DAJD is staffed to send notices of violations to the court Monday through Friday 0730-1600;
- If a violation occurs outside of caseworker coverage hours, a caseworker will send a notice of violation the next business day; and,

Effective on October 3, 2020, DAJD began providing four hours of caseworker coverage on overtime each day on Saturdays and Sundays. This effort is planned as a pilot project to develop better data on the number of violators during these times. However, the department notes that it can provide this coverage now but has no proposal to carry forward this coverage into the biennium.

Staff have requested further information on this question.

**QUESTION 2: WILL DAJD’S PROPOSED CUTS TO ITS JUVENILE DETENTION STAFF BE SUBJECT TO EVALUATION BEFORE BEING IMPLEMENTED? THIS QUESTIONS ALSO APPLIES TO PROPOSED REDUCTIONS—IN THE SUPERIOR COURT BUDGET—FOR JUVENILE PROBATION STAFF.**

**ANSWER:** According to the Executive, the proposed 2022 reductions for juvenile probation and detention staff are placeholders and will be revised after the County has better developed the Restorative Community Pathways program.

## **INMATE WELFARE FUND-ADULT**

ANALYST: CLIFTON CURRY

	<b>Expenditures</b>	<b>Revenues</b>	<b>FTEs</b>	<b>TLTs</b>
2019-2020 Revised Budget	\$2,729,893	\$2,170,000	1.0	1.0
2021-2022 Base Budget Adjust.	(\$6,327)	0	0.0	0.0
2021-2022 Decision Packages	\$123,559	(\$2,166,000)	0.0	0.0
<b>2021-2022 Proposed Budget</b>	<b>\$2,848,000</b>	<b>\$4,000</b>	<b>1.0</b>	<b>1.0</b>
% Change from prior biennium	4.3%			
Dec. Pkg. as % of prior biennium	4.5%			

**Major Revenue Sources:** Inmate phone/video calls and commissary.

**Base Budget Assumptions:** Revenue reduced to reflect current forecast.

### **DESCRIPTION**

The Department of Adult and Juvenile Detention is responsible for the operation of two adult detention facilities (jails) housing about 1,305 inmates on an average daily basis (year-to-date August 2020). The Inmate Welfare Fund (IWF) is used to pay for a variety of inmate services, including adult basic education and GED, a high school diploma program for inmates aged 18-21, job training, and custodial training. In addition, the fund pays for contracts with local service agencies for inmate services and is used to provide support to volunteer programs (including faith ministry, mentoring, literacy, etc.). The fund has been primarily funded through contract revenues from inmate phone/video calls and commissary purchases by inmates (where the County receives a fee for phone/video calls and a commission or “mark-up” profit on items purchased by inmates). The executive made significant changes to the collection of revenue in 2020 (as described below) that will be continued in the proposed budget, thus affecting the financial viability of the fund in 2023-2024.

### **SUMMARY OF PROPOSED BUDGET AND CHANGES**

The IWF-Adult 2021-22 proposed budget is \$2.8 million, about four percent more than the amount approved in the 2019-20 Adopted Budget. The budget projects that revenues will decline from \$2,170,000 in the current biennium to \$4,000 in 2021-2022.

### **KEY ISSUES**

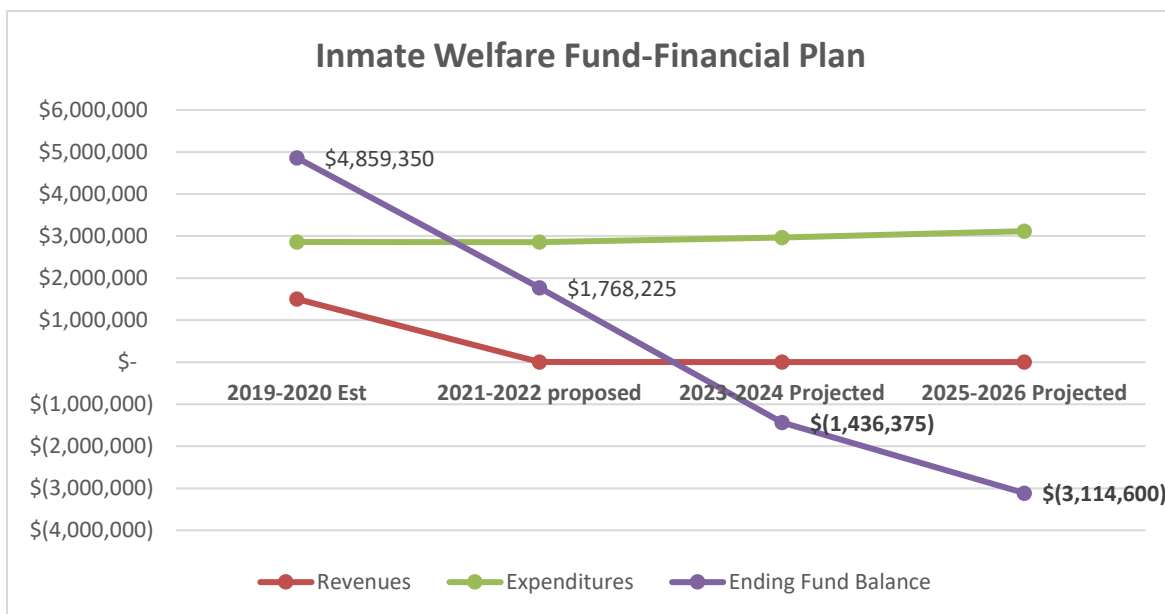
#### **ISSUE 1 – NEW POLICIES THAT REDUCE IWF REVENUES (\$2,166,000 REDUCTION IN REVENUE)**

The Inmate Welfare Fund (IWF) funds a wide range of programs inside the adult facilities. The IWF also provides funding for 10.0 County FTEs, including one release

planner, volunteer coordinators and commissary staff at both facilities, and three FTEs that provide direct services to inmates. In addition, commissary commissions received by the County allow DAJD to offer indigent individuals one free item per week and payment to inmate workers (trustees).

In 2020, at the beginning of the COVID outbreak, the Executive decided to eliminate inmate fees for phone and video calls, recognizing that in-jail visiting had to be limited during the state's "Stay Home – Stay Healthy" orders. In August 2020, the Executive decided to eliminate price "mark-ups" on commissary goods for inmates based on the recognition that inmates are disproportionately indigent and persons of color, and that making a "profit" on the commissary items was not in keeping with the County's equity and social justice goals. Because of these two policies, revenues for the IWF declined in 2020, however, the costs of the IWF program are proposed to be covered through existing Fund Balance.

As reflected in the 2021-2022 Proposed IWF Financial Plan, the Executive proposes to continue its policies and will forgo revenue from phone, video, and commissary in the next biennium. The following chart shows the impact of these policies on the IWF.



As the chart shows, the IWF has enough fund balance to maintain program expenditures through 2021-2022. The Proposed Budget would use IWF fund balance to continue its support for inmate services in 2021-2022, but the executive notes that using fund balance to maintain IWF will not be possible in 2023-2024. The Executive recognizes that the continuation of these policies will eliminate nearly all the IWF's revenue sources and result in the depletion of the Fund, resulting in a projected \$1.4 million shortfall in 2023-2024. According to the Executive, the County will study other funding options for these programs and intends to resolve this issue in the 2023-2024 Proposed Budget.

## **SHERIFF**

ANALYST: NICK BOWMAN

	<b>Expenditures</b>	<b>Revenues</b>	<b>FTEs</b>	<b>TLTs</b>
2019-2020 Revised Budget	\$414,739,576	\$248,263,882	1,101.5	9.0
2021-2022 Base Budget Adjust.	(\$2,315,994)	(\$2,372,777)	0.0	0.0
2021-2022 Decision Packages	(\$6,207,335)	\$2,258,186	(12.0)	(2.0)
<b>2021-2022 Proposed Budget</b>	<b>\$406,217,000</b>	<b>\$248,150,000</b>	<b>1,091.5</b>	<b>7.0</b>
% Change from prior biennium	(2.1%)			
Dec. Pkg. as % of prior biennium	(1.5%)	.		

**Major Revenue Sources:** General Fund and Contract Services.

**Base Budget Assumptions:** (1) 3.25% GWI for 2021; (2) 0.0% GWI for 2022.

### **DESCRIPTION**

The King County Sheriff's Office (KCSO) provides law enforcement services for unincorporated King County as well as a number of governmental agencies, including full service police services to twelve contracted cities.<sup>1</sup> In addition to providing patrol services, KCSO provides numerous specialty law enforcement services including an air support unit, marine unit, SWAT, major crime investigations, bomb disposal, major accident response and reconstruction and arson investigations. KCSO also performs other functions such as emergency 9-1-1 call receiving and dispatching, service of court orders related to civil court filings, issuing concealed weapons permits, and sex offender registration. KCSO is led by an independently elected Sheriff.

### **SUMMARY OF PROPOSED BUDGET AND CHANGES**

The Executive's proposed 2021-2022 Sheriff's budget of \$406.2 million is a decrease of approximately \$8.5 million (-2.1%) over that of the 2019-2020 budget, with about half of the reductions resulting from adjustments to KCSO's base budget and central rate expenditures. Expected revenues of \$248.1 million represent a less than 0.1% decrease from the 19-20 biennium. Some notable aspects of the proposed Sheriff's budget include:

Expanded In-Service Training – \$910,000 (\$455,000 Revenue Backed). The Executive's proposed budget would allocate \$910,000 (\$455,000 revenue backed) in ongoing funding to expand KCSO's in-service training from a three day, 24 hour

<sup>1</sup> Beaux Arts Village, Burien, Covington, Kenmore, Maple Valley, Newcastle, North Bend, Sammamish, SeaTac, Shoreline, Skykomish and Woodinville

program to a 4 day, 32 hour program (\$400,000), and to provide approximately 150 commissioned officers with 40 hours of Crisis Intervention Training (CIT) annually (\$510,000). The 2019-2020 budget included \$1.3 million to institute a new in-service training program to provide all KCSO commissioned and select non-commissioned staff with trainings in the areas of de-escalation, anti-bias, procedural justice and the LEED (listen and explain with equity and dignity) communication model. The training program did not however, include a CIT component; due in part to logistical challenges in determining the training's cost and the uncertainty over the potential impact of I-940 and other state mandated training requirements under consideration at the time.<sup>2</sup> According to the Executive, the increased funding included in his proposed budget is intended to ensure KCSO officers receive the mandated training under State law and promulgated under WAC 139-11-020.

Hold and Eliminate Vacant Positions – (\$3,075,000 & 4.0 FTEs). The Executive's proposed budget would achieve approximately \$3 million in net reductions by holding seven patrol positions vacant throughout the biennium (\$2.1M) and eliminating four additional vacant positions including: a recruiter, a background detective, a critical incidence preparation and response deputy and a civil deputy (\$975,000).

4<sup>th</sup> Avenue Closure and 3<sup>rd</sup> Avenue Patrol Position Reduction – (\$397,993 & 5.0 FTEs). The proposed budget would close the 4<sup>th</sup> Avenue entrance to the King County Court house and eliminate one marshal position and one screener position to achieve approximately \$400,000 in reduced general fund expenditures. The proposal would also eliminate three patrol positions that had been supported with temporary funding provided by Ordinance 19044 adopted in December 2019 to provide KCSO patrols around on 3<sup>rd</sup> Avenue in proximity of the King County Courthouse but were mistakenly added as FTEs \. According to KCSO, the positions were not filled, but rather the patrol work on 3<sup>rd</sup> Avenue was done using overtime up to the amount funded. As the funding provided in Ordinance 19044 expires at the end of 2020, the Executive has proposed eliminating the associated FTE positions.

Contract Adds – \$1,933,506 (\$1,791,447 Revenue Backed) & 5.0 FTEs.

The Executive's proposed budget would add five fully revenue supported positions to five different entities contracting with the Sheriff's Office for law enforcement services. These positions include: three school resource officers, two requested by the Renton and Lake Washington School Districts and one requested by the City of Sammamish; one motorcycle officer requested by the City of Newcastle; and one K9 sergeant to Sound Transit.

The transmitted budget ordinance includes expenditure restrictions on the three school resource officer positions. The restriction requires that the positions may not be filled until at least half of the high-school students to be served by the school resource officers are back in onsite classrooms at least two days per week. Furthermore, the

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<sup>2</sup> Initiative 940 was approved by the voters in 2018. The initiative required police to receive de-escalation and mental health training among other changes to law enforcement standards for the use of deadly force.

expenditure restriction requires that the Sheriff provide the Council with written confirmation that the requesting jurisdiction still desires to contract for the position.

## **KEY ISSUES**

### **ISSUE 1 – MARIJUANA EXCISE TAX REVENUE**

Beginning in 2016, King County has received a portion of marijuana excise taxes collected by the State in accordance with RCW 69.54.540. Though unrestricted general fund revenue, and therefore not dedicated to any specific purpose within KCSO, the marijuana excise tax monies have been programmed as new revenue in the Sheriff's budget since distributions to the County began.

The Executive's proposed budget would allocate the \$4.6 million in marijuana excise tax revenues King County anticipates collecting over the 21-22 biennium to community based programs within the Department of Local Services and the Department of Community and Human Services. Though the tax revenues have traditionally gone to KCSO, according to the Executive, "all of the reductions to KCSO's budget were made in the context of the \$150 million shortfall in the General Fund, and none were specifically linked to the marijuana revenue. Because the revenue was not tied to any specific KCSO expenditures, redirection of the revenue did not result in any additional operational or FTE changes."

Details for the Executive's proposed use of the marijuana revenue will be discussed further in the Department of Local Services and Community Services Operating budgets.

### **ISSUE 2 – SHERIFF'S OFFICE REDUCTIONS AND ELIMINATIONS**

In order to achieve approximately \$2.2 million in general fund expenditure reductions, the Executive's proposed budget would trim or eliminate several programs within the Sheriff's Office; programs which the Council has approved as recently as the 2019-2020 budget or which the Council has acted to preserve in the past. These proposals include the elimination of KCSO's Gang Unit (\$666,000 & 2.0 FTEs), as well as, reductions to the Marine Unit (\$416,000 & 1 FTE) and the Air Support Unit (\$1.1 million & 2.0 FTEs).

KCSO's Gang Unit, which consists of a sergeant and a deputy, was established in the 2019-2020 budget<sup>3</sup> in order to address the rising levels of gang activity in King County, and particularly South King County. According to the Sheriff's Office, while gang activity data was not a decision factor for this reduction, in order to achieve the effectiveness necessary, the unit would have needed to expand in future budget cycles. With current budget conditions being what they are, such growth could not be expected or projected. The Sheriff's Office added further that, despite the elimination of the specialized unit,

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<sup>3</sup> Ordinance 18835



KCSO continues its anti-gang work and continues to partner with other law enforcement agencies in regional efforts to prevent organized gang crimes and violence.

KCSO's Air Support Unit is the only full-time law enforcement rotary-wing aviation unit in Washington State. The unit provides Airborne Patrol, Tactical Operations, and Search and Rescue in King County and throughout the region during natural disasters or emergencies. In the Executive's 2017-2018 proposed budget, the Air Support Unit was targeted for elimination to achieve what was then estimated at \$1.4 million in general fund expenditure reductions. In its deliberations, the Council chose to restore the Air Support Unit in the adopted budget.<sup>4</sup> The proposed 21-22 budget would cut the Air Support Unit by two pilots. Fewer pilots in the unit would necessarily result in fewer flight hours and reduce associated training, fuel and maintenance costs. According to the Sheriff's Office, KCSO will prioritize search and rescue missions with the unit's remaining two pilots. Council staff is still working to understand the operational impact of this proposed reduction.

KCSO's Marine Unit deploys specially trained and equipped deputies that are responsible for water-related law enforcement, investigations, rescue, and recovery work. Operational areas include Puget Sound, Lake Washington, Lake Sammamish and other lakes, ponds and rivers throughout the unincorporated areas of King County, cities and towns that contract for service, and any other jurisdiction that requests specific assistance. Like the Air Unit, the Marine Unit was targeted for elimination in the Executive's 17-18 budget proposal and the Council chose to preserve the unit in the final adopted budget. The Executive's 21-22 proposed budget would eliminate just the dive program and one FTE rather than eliminating the entire unit. According to the Sheriff's Office, other emergency responders provide diving services, including Seattle Police Department's harbor patrol, local Fire Districts. Furthermore, recoveries and evidence search needs can be met through commercial diver services. The Sheriff's Office added further that, the loss of one FTE should minimally impact current patrol capabilities and that contracts serviced by the Marine Unit should not experience any reduction as a result of the proposed cut.

### **ISSUE 3 – BODY-WORN AND IN-CAR CAMERA SYSTEMS**

The Sheriff's 21-22 agency proposed budget included a request of \$8.4 million in net funding and eight FTEs to provide body-worn and in-car camera systems for all KCSO deputies and patrol cars. Under the Sheriff's proposal, the estimated cost for the first year for operations and maintenance of the system would be \$6.8 million, with \$3.2 million in additional one-time costs primarily associated with the purchase of physical equipment, and \$3.3 million in on-going costs thereafter. According to the Sheriff's Office, nationally, 47% of general-purpose law enforcement agencies had acquired body-worn cameras by 2018; for large police departments the number was 80%. KCSO is the third largest agency in Washington State. Additionally, the Sheriff stated that a provision of the May 2020 settlement of the civil lawsuit with the Estate of MiChance

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<sup>4</sup> Ordinance 18409

Dunlap-Gittens included an effort by KCSO to seek funding for body-worn and in-car camera systems.

The Executive's proposed budget did not include the Sheriff's request, but did include \$100,000 in the Office of Performance Strategy and Budget's (PSB) budget for an evaluation of body-worn cameras. The evaluation will be led by PSB in collaboration with the Department of Local Services, the Office of Equity and Social Justice, the Sheriff's Office and the Office of Law Enforcement Oversight, and is intended to be completed by September 1st, 2021. According to the Executive, the evaluation will include a consultant's review of relevant literature and interviews with representatives from other jurisdictions currently using body worn cameras, community engagement efforts to seek input on the policy implications of body worn cameras, and a thorough assessment of costs within both KCSO and other agencies.

During the September 30th Budget and Fiscal Management committee hearing, Sheriff Johanknecht stated that KCSO was currently in the process of a pilot study of body-worn and in-car camera systems using funding provided by the Office of Risk Management Services in December 2019. In a follow-up to Council staff inquiries, the Sheriff's Office stated that, "KCSO's pilot study has been underway for several months, and due diligence has been conducted on the proper vendor who can provide the appropriate equipment and support systems. Draft policy has already been written and community outreach and education has begun. A 90 day "Test and Evaluate" period, as soon as bargaining with labor concludes, will commence in late October or early December. The "Test and Evaluate" period will deploy 10 body worn cameras and 2 in-car camera systems with deputies in White Center, Skyway and Vashon Island. The results of the 90 day test period will inform what additional work remains before a full program can be deployed." The Sheriff's Office added further that it intends to continue moving forward with its pilot study as it is already well underway.

Staff analysis is ongoing.

## **DRUG ENFORCEMENT FORFEITS**

ANALYST: NICK BOWMAN

	<b>Expenditures</b>	<b>Revenues</b>	<b>FTEs</b>	<b>TLTs</b>
2019-2020 Revised Budget	\$1,888,644	\$1,900,000	3.0	0.0
2021-2022 Base Budget Adjust.	\$21,821	\$0	0.0	0.0
2021-2022 Decision Packages	(\$168,068)	(\$150,000)	0.0	0.0
<b>2021-2022 Proposed Budget</b>	<b>\$1,743,000</b>	<b>\$1,750,000</b>	<b>3.0</b>	<b>0.0</b>
% Change from prior biennium	(7.7%)			
Dec. Pkg. as % of prior biennium	(8.9%)			

**Major Revenue Sources:** Fines and Forfeitures

**Base Budget Assumptions:** (1) 3.25% GWI for 2021 and (2) 0.0% GWI for 2022.

### **DESCRIPTION**

The Drug Enforcement Forfeiture Fund supports drug enforcement activities of the King County Sheriff's Office (KCSO). The fund is primarily funded through fines and forfeitures from drug crimes, ultimately collected and distributed by the State from Federal, State and local forfeiture actions. These funds are required by State law to be used to support drug enforcement investigation staffing and affiliated expenses and may not be used to supplant preexisting funding sources.<sup>1</sup>

### **SUMMARY OF PROPOSED BUDGET AND CHANGES**

The total 2021-2022 Proposed Budget for the Sheriff's Office Drug Enforcement Forfeits is \$1.74 million, 7.7 percent lower than the 2019-2020 revised budget of \$1.89 million. The reduction is due to revisions made to expenditures and revenues in order to align with expectations for the 2021-2022 biennium.

### **KEY ISSUES**

Staff have identified no issues.

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<sup>1</sup> RCW 69.50.050

## **BUILDING REPAIR & REPLACEMENT SUBFUND**

ANALYST: BRANDI VENA

	<b>2021-2022 Proposed</b>	<b>2023-2024 Projected</b>	<b>2025-2026 Projected</b>
<b>Revenues</b>	\$14,410,745	\$4,000,000	\$4,000,000
<b>Expenditures</b>	\$14,410,745	\$4,000,000	\$4,000,000
<b>Major Revenue Sources:</b> Revenues are paid by various county funds requesting the work.			

### **DESCRIPTION**

The Building Repair and Replacement Subfund Capital Improvement Program (BR&R) is a program managed by the Facilities Management Division and is used to budget for major renovations, large capital projects, space relocations and other programmatic changes across the County.

### **SUMMARY OF PROPOSED BUDGET AND CHANGES**

The BR&R has several projects contained within the overall appropriation. The majority of the appropriation is contained within the projects in the table below and totals approximately \$15.54 million. Several technical adjustments disappropriate funding to close finished projects thereby offsetting the appropriations for a total of \$14.4 million proposed for the fund.

<b>Projects</b>	<b>Amount</b>
Children & Family Justice Center (CFJC) Modifications	\$1.19 M
Civic Campus Planning Efforts	\$1.50 M
Downtown Public Health BUPE Program	\$0.90 M
Phase 3 Dept. of Public Defense Consolidation	\$2.95 M
Telecommute Consolidation (Admin Building & Yesler)	\$9.00 M
<b>Total</b>	<b>\$15.54 M</b>

### **KEY ISSUES**

#### **ISSUE 1 – CFJC MODIFICATIONS AND POTENTIAL EXCESS REVENUE**

The proposed ordinance would appropriate \$1.19 million for a project that makes modifications to the secure detention facility at the CFJC intended to support a public health approach to detention. These modifications stem from recommendations made in the "Working to Reduce the Use of Secure Confinement: A Review of King County's

Children and Family Justice Center" report by Dr. Eric Trupin that was approved by council in 2017<sup>1</sup> after initial project design was completed. Modifications include:

- Body scanners to eliminate strip and search practices;
- Anti-ligature modifications to prevent opportunities for self-harm; and
- Revised paint schemes including the provision of chalkboard paint to create a more normative environment.

These modifications are expected to be completed in 2021. Executive staff state that a little over \$900,000 from a portion of the revenue from the surplus and sale of approximately 4 parcels of existing site property will be used to pay for these modifications. The current estimated appraised value of the parcels is \$24 million and the sale of the property is expected to occur after completion of the CFJC parking garage. It is not yet clear how much excess revenue might result from the sale and the executive staff did not have any specific plans on the use of the excess revenues, however, they did not that certain councilmembers have expressed ideas on these funds should be used.

### **RESPONSE TO COUNCIL INQUIRIES**

#### **QUESTION 1: WHY WERE THE CFJC MODIFICATIONS NOT DONE DURING CONSTRUCTION?**

ANSWER: According to Budget Director Dwight Dively, the modifications were done during construction and are finished. The 2021-2022 Capital Improvement Program shows that the CFJC project continues into 2021 but that is only for project closeout; the actual construction has already been completed.

#### **QUESTION 2: HOW DO THE MODIFICATIONS MADE AT THE CFJC AND IMPROVEMENTS MADE GENERALLY TO COUNTY-OWNED ASSETS SUCH AS THE MALENG REGIONAL JUSTICE CENTER SQUARE WITH THE COUNTY EXECUTIVE'S STATED CRIMINAL JUSTICE POLICIES GENERALLY AND ZERO YOUTH DETENTION POLICIES SPECIFICALLY?**

ANSWER: Based on Council staff's analysis, the Strategic Planning Process project for the CFJC, which can be found in the Executive's proposed budget for the Adult and Juvenile Detention appropriation unit, partially answers this question. For that project, the Executive proposes \$547,610 to develop a strategic plan for the future of juvenile detention at the CFJC. According to the Executive, this proposal has two parts. The first would be the use of \$247,611 for a TLT project manager position that runs through June 30, 2022 (although no TLT authority is being requested).

The second element would be the expenditure of \$300,000 to hire a firm to engage in a strategic planning process with the intent to develop a Master Plan that would propose a set of recommendations to achieve community safety needs of securing high-risk youth in an environment other than the current detention facility at the CFJC; along with options for an alternative use of the CFJC detention space.

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<sup>1</sup> Ordinance 18636

Executive staff stated that they did not have anything to add in answering this question beyond the details already provided for this project.