

Final Report

Analysis of Statewide Adult Correctional Needs and Costs

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**Office of Financial Management
Analysis of Statewide Adult Correctional Needs and Costs**

Table of Contents

Executive Summary..... i
 Introductioni
 Key Context about Jails and Prisons in Washington State.....i
 Study Findings on the Feasibility of Collaboration.....iii
 Study Findings on Collaboration Optionsv

Introduction..... 1
 Study Approach and Methodology2
 Previous Studies2
 Current Initiatives.....4
 Report Organization.....4

Correctional System Overview 5
 Jails and Prisons.....5

Financial Analysis 18
 Local Government Financing Overview18
 Jail Cost Responsibilities.....19
 Jail Construction Funding.....24
 Rate and Fee Assessment.....25
 Prison Cost Summary.....32
 Billing and Tracking.....33

Demand, Capacity and Utilization Analysis 35
 Types of Jails.....35
 Jail Population Forecasting and Demand37
 Jail Capacity and Utilization.....44
 Prison Populations Potentially Suited for Limited Types of Jail Settings49
 Analysis of the Five Potential Collaboration Options57

Study Findings and Recommendations 61
 Study Findings62
 Recommendations66

Bibliography.....69

Appendices

Executive Summary

Introduction

Why this study?

The Washington State Legislature directed the Office of Financial Management (OFM) to conduct an analysis of statewide adult correctional needs, including how operational costs are incurred among local governments (see textbox).

The impetus for this study was county and regional jails looking for ways to address funding gaps due to extra capacity in some jails.

Another factor was that the Washington State Department of Corrections (DOC) anticipates needing 1,000 medium security prison beds (male and female needs combined) by 2020. In light of this need, the Legislature wants to explore alternatives to constructing and staffing a new \$195 million (or more) state prison facility on the site of the old Maple Lane School, the former state juvenile detention center in Grand Mound.

What was the study approach?

This study explores the feasibility of collaboration between DOC and local entities to most efficiently meet detention and program needs across the state.

Several methods, both quantitative and qualitative, were employed to answer the study questions and develop recommendations, including site visits, interviews, data analysis, a literature review and a survey inventory of jails.

Key Context about Jails and Prisons in Washington State

Key context about the financing and operation of jail and prisons is summarized below. Jail operations and capacity are then discussed in more detail to explore the feasibility of collaboration between DOC and local entities. This analysis of jails yields options for collaboration and recommendations for efficiently meeting detention and program needs across the state.

What is the difference between jails and prisons?

The words jail and prison are often used interchangeably, but they are not the same. Jails and prisons are operated by different governments, house inmates for different purposes and lengths of stay, and provide different types and levels of programs and treatment. Most jail detainees have not been sentenced and are awaiting trial. Others have been convicted and are awaiting sentencing, have received a sentence of less than one year, are sentenced and awaiting transfer to prison, or are being temporarily held on a probation violation or other jurisdictional hold. Prisons house inmates with sentences longer than one year.

In the aggregate, DOC prisons house an average daily population (ADP) of approximately 17,500, while jails house an ADP of about 12,000. Over the course of a year, far more people move through jails due to the shorter length of stay (often as short as one day).

Excerpt from Engrossed Substitute Senate Bill 6002, Supplemental Operating Budget, page 39:

The analysis must examine, among other things, how regional capacity is currently being utilized at the state and local level including, but not limited to: Historical and current utilization, level of security, ability to provide medical and mental health care, and availability of programming. The analysis must examine the financial impact to counties of providing felon and juvenile detention. In addition, the analysis must include the identification of barriers and solutions for the use of local jails in lieu of prison beds including: For individuals who would otherwise be transferred to department of corrections for a short-term stay; for violator population billing and tracking; and for long-term stays in jail in lieu of prison.

Who is responsible for jails and prisons?

The state's corrections system is composed of a centralized prison system that interacts with a very diverse group of jails. Washington is unique among states in that it has cities, counties and tribes building and operating jails. Many states do not have as many levels of government providing jail services. Jails vary in size, provide different types and levels of services, and have different management styles and philosophies. Unlike jails, prisons are operated solely by DOC.

Washington state laws delegate to the state, counties and cities responsibilities for different detention services.

- The state is financially responsible for post-sentencing detention services for adult and juvenile offenders sentenced to more than one year in confinement.
- Cities are financially responsible for housing individuals awaiting trial or sentenced for misdemeanor crimes. Cities may house these defendants in their own jails or contract with another local or tribal government for jail services.
- Counties are financially responsible for individuals awaiting trial or sentenced to one year or less for felony crimes.

When an individual is convicted of a felony and sentenced to confinement for more than one year, the sentence is served in a state prison. The state is responsible for the cost of prison as well as any post-release community supervision.

How do local governments finance jails?

State, county and city governments rely on different revenue sources to pay for the detention services they provide. The state and cities collect three primary sources of revenue: sales and use taxes, business and utility taxes, and property taxes. Counties primarily rely on just two revenue sources: sales and use taxes and property taxes.

The cost of operating and constructing local jails is financed by local government — counties and cities. Counties bore the bulk of jail costs in 2013 — 75 percent or \$300 million statewide — with city jail costs totaling \$100 million. Responsibilities for jail costs are apportioned between counties and cities by state law.

As with other areas of public service, jurisdictions often contract with one another for jail services. There are 31 counties where there are no city jails, leaving cities within those counties to contract for jail services. The eight counties where one or more cities have their own jails use a variety of contracting practices. Most cities contract with their own county for jail beds, but they are not required to. Rate competition and multi-city negotiation with counties have become commonplace.

When jurisdictions contract for beds, how are rates determined?

Daily bed rates and booking fees are charged by one corrections facility for housing offenders on behalf of another. Bed rates in Washington are established through a number of ways and often serve varying purposes according to the type of arrangement. Some bed rates are based on a full cost-recovery model, others are limited in legislative statutes and others are set during contract negotiations between governments. These different methods result in significant variation in the rates charged around the state and can affect the feasibility of collaboration between jails and between DOC and individual jails.

Study Findings on the Feasibility of Collaboration

What is the recent history of jails and prisons?

In the 1980s, faced with rising jail and prison populations and judicial orders related to jail conditions and overcrowding, the Legislature authorized state bonds to support the construction of many of the jails in the state. Starting in the late 1990s, the most recent generation of jails have been added to the system through the use of local funding. Much of this construction was funded by local government debt that remains outstanding. Debt service requirements are placing financial stress on local jurisdictions already under budget pressure, especially on those with jails that have extra capacity.

STUDY FINDING 1: The inability of individual jurisdictions to fund local jail debt service and operating costs within existing tax authority can result in incentives to pursue contract revenue by competitively marketing jail beds.

More recently, policy changes and less crime have resulted in changes in the need for facilities. Prisons are confronting a shortage of medium-custody housing, and both systems are challenged by an increase in inmates with mental illness and inmates with a history of gang-involvement, increasing the potential for violent behavior.

In some counties, cities are reducing reliance on their local county-operated jails and instead are choosing to “shop” for lower-cost jail beds provided by other jurisdictions to house misdemeanor defendants. Some counties are faced with empty beds and operating costs that limit their ability to compete in the jail bed rental market.

STUDY FINDING 2: While there is informal operational coordination occurring at the staff level between jails, at the state, regional and county levels, there is no infrastructure or mechanism to facilitate formal coordination between jails.

Jurisdictions are acting rationally given their financial situation, but short-term costs should not be the only consideration in contracting for jail services. There is no formal coordination or infrastructure to promote effective alternatives that reduce costs and manage medium- and longer-term demand for higher-cost felon jail and prison beds.

In some cases, there is no incentive for a jail to reduce its population since this reduces the fees that recover costs to make up for lost tax revenues.

STUDY FINDING 3: Findings 1 and 2 combined produce competition in the market that is working against collaboration in many areas.

What jail standards are in place?

The Washington Association of Sheriffs and Police Chiefs (WASPC) and the American Correctional Association have developed voluntary accreditation standards for jails (Washington Association of Sheriffs and Police Chiefs, 2014). These standards are being tested at SCORE, or the South Correctional Entity in Des Moines as the first candidate for accreditation; however, they are voluntary. Consistent standards for jail operations or services are not currently in place in Washington.

How do we define jail capacity?

For a variety of reasons, jails are typically not operated at their full design capacity, and a vacancy rate is applied to determine the practical operating capacity of a jail, which is in turn used for planning and operations. Vacancies result from the fact that not all inmates can be housed together due to gender, security requirements, gang affiliation and other reasons. Units also must be closed periodically for maintenance, which reduces capacity. In addition, over time, court orders or building safety code changes may limit the number of inmates who can be housed in a jail. See page 44 for a list of definitions used in this study.

What data is available?

Washington State's Caseload Forecast Council provides regular forecasts of the prison population. The jails have no analogous forecasting body. Local jurisdictions have limited capacity to forecast bed demand and typically rely on outside consultants, if they forecast at all. WASPC and the voluntary Department of Justice's National Jail Survey are the only sources of statewide jail capacity data. Thus, data and analysis to support demand management practices and decision-making across corrections agencies are extremely limited.

STUDY FINDING 4: Related to Finding 2, statewide data on jail capacity and utilization are lacking.

What drives demand for jail beds?

As the entry point into the criminal justice system, demand for jails is driven by many factors. Some examples are the volume of local criminal activity, local and state law enforcement policies, and prosecutorial policies. A factor that makes the jail population so dynamic is the presence of a large number of high-turnover misdemeanants with short lengths of stay.

While the number of felons serving their sentences in jail has fallen in most of the larger jails over the past decade, the *length of felon jail sentences has increased statewide* from an average of 3.1 months in 2004 to an average of 3.9 months in 2013, an increase of 25 percent. Most of the increase in sentence length occurred between 2010 and 2013 (Washington State Caseload Forecast Council, 2014). Smaller county jails have been most affected by the change in sentence length, which increases the demand for bed space as the number of convictions has remained relatively constant.

What programs are provided in prisons and jails?

Educational, behavioral, exercise, vocational, faith-based and other programs may be offered in both jails and prisons. The nature and quality of these services and programs vary dramatically between facilities. Programs and services offered in prisons are far more extensive than can be feasibly offered in jails.

Many jails rely primarily on volunteers for program delivery, and with the exception of a few jails, provide limited mental health and medical services. The short duration of inmate stay, availability of space and cost of delivering evidence-based programs are barriers for most jails.

Program differences, along with many other differences described in the table that begins on page 13, mean that while jails and prisons both use "bed" as their basic operational unit, these units are not easily interchangeable between jails and prisons.

STUDY FINDING 5: Jail and prison beds are not interchangeable.

What is partial confinement?

Typical full confinement jails are generally not appropriate for long-term general population prison offenders and would not further the state's interest in implementing evidence-based programming and reducing recidivism. As noted above, the typical jail bed and prison bed are not interchangeable.

Many jails in Washington operate both full confinement and partial confinement programs. Up to this point in the discussion, the focus has been on full confinement beds. Local partial confinement programs have matured over the past 20 years and include electronic home monitoring, various types of reporting, and work or education release. Partial confinement programs may house inmates in beds or other jail space during part of the day or restrict movement through electronic home monitoring. These programs allow inmates to participate in community-based treatment, work, education or other programs required by their sentences or needs.

STUDY FINDING 6: More could be done to use local jail capacity for state programs that combine felon partial confinement and community supervision. These programs could provide work release and other reentry programming to support successful inmate transition back in the community.

Concurrent with this study, the Council of State Governments is providing technical assistance to Washington under the Bureau of Justice Assistance's [Justice Reinvestment Initiative](#) (JRI). This data-driven process is designed to reduce spending on incarceration and reinvest the savings in strategies that reduce recidivism and increase public safety. This study focused on facility and program options and not sentencing guidelines or policies, which are being addressed as part of the JRI process.

STUDY FINDING 7: Any sentencing changes that are implemented as a result of the Justice Reinvestment Initiative process could change jail use and demand. Changes are most likely to affect future prison populations and not current populations.

Study Findings on Collaboration Options

Many of the larger jails reported unused full and partial confinement capacity. Options for the potential use of jail space for partial confinement programs by the state could include:

- State contracting at competitive rates for partial confinement jail beds, coupled with state-funded community supervision for lower-level offenders
- State acquisition, through purchase or lease, of unused jail space for state-run partial confinement and reentry programming

The jail inventory included one jail facility of newer design that could potentially be re-purposed for full or partial confinement use for specialized prison programs that require only limited outdoor recreation facilities. This facility suggested the option of state acquisition of unused newer jail facility space to re-purpose for specialized prison programs.

The existence of additional planned jail capacity suggests two more options involving construction of prison facilities by the state for either partial or full confinement at an existing jail site.

- State acquisition, through purchase or lease, of part of a jail site planned for future capacity allowing design and construction of a collocated, state-operated, low-level specialized prison facility

- A partnership between state and local government to construct a specialized facility collocated on a jail site planned for future capacity

The jail inventory identified jails that potentially fit one or more of the collaboration options presented above. *The survey and inventory did not test the local government executive or legislative authority's willingness to work with the state. Pursuit of any of these options with a specific jail would need to each be evaluated further in detail for feasibility and cost effectiveness.*

What prison populations might be suited for a jail setting?

The study explored whether there were specific groups of prison inmates who could be housed appropriately at the local level using the options identified above. Using these considerations, stakeholders identified five groups who could potentially be housed in jails.

- Inmates with nine months or less before their earned release date who are preparing to reenter the community. This would include those who are work-release eligible and those whose total time in prison is short and are located at the Shelton Reception Center.
- Inmates with diagnosed chemical dependency who need treatment
- Inmates with mobility impairments who would benefit from a smaller contained setting
- Inmates with a developmental disability who need a secure setting and specialized programs
- Inmates with moderate to severe mental illness who need a secure therapeutic setting

DOC data as of Sept. 30, 2014, indicate there are 4,846 inmates out of 17,500 (27.7 percent) who require some level of mental health treatment. Of the 4,846 inmates requiring mental health services, 4,138 are male and 708 are female. *As measured during this point-in-time snapshot, just less than 30 percent of all inmates have mental health needs: 27 percent of male offenders and 60 percent of female offenders.* The continuum-of-treatment intensity and resource needs vary from outpatient level of care up to more intensive residential or in-patient treatment.

Many jail managers are concerned about their ability to appropriately manage this population of inmates who present higher suicide risk and behavior management challenges for custody staff, and are more likely than others to re-offend (Joint Legislative Audit and Review Committee 2006). Inmate deaths and assaults on jail staff associated with mental illness have been the subject of considerable media attention in recent years.

STUDY FINDING 8: Both systems are overwhelmed by offenders with un- or under-treated mental illness that cannot be addressed until a continuum of additional mental health treatment slots are available to a wider range of the mentally ill.

In addition to the facility options, the analysis conducted for this study identified opportunities for data sharing, use of evidence-based programs and other areas.

STUDY FINDING 9: There are opportunities for jails and the prison system to partner to reduce costs.

Recommendations

Recommendation 1: Develop a process to better understand statewide jail capacity and utilization and the impact on the prison system. The state and local governments would benefit from coordinated countywide or regional jail planning by counties and cities that is focused on demand management and implementation of evidence-based practices to reduce cost and increase community benefits from both systems.

Recommendation 2: Charge the Office of Financial Management or the Washington State Economic and Revenue Forecast Council with collecting more comprehensive data to support the ability of the state, counties and regions to conduct analyses and undertake planning processes.

Recommendation 3: Address the current prison bed shortage with a mix of strategies.

Recommendation 4: Consider investing in treatment and/or reentry collaborations between jails and prisons.

Recommendation 5: Conduct a more detailed evaluation of increasing prison capacity via collaboration between DOC and jails through one or more of the following options:

5A. Reentry/transition centers: Counties with the highest number of prison inmates returning to their county would be the best candidates for collaborative reentry programs.

5B. Therapeutic facility: Consider development of a mission-targeted therapeutic facility for drug offender sentencing alternative (DOSA) or those with mental illness. The Legislature should look again at the recommendations contained in JLARC's 2006 report "Analysis of Establishing a Regional Jail Facility for Offenders with Mental Health or Co-Occurring Mental and Chemical Dependency Disorders, Report 06-2."

5C. Short sentences: Prison-bound inmates with shorter times remaining on their sentences (e.g., less than six months following sentencing after reductions for time served) would remain at their county jail rather than be transferred to the prison reception center for brief processing and subsequent release. Funding for housing and related program and service delivery would need to be allocated to counties for this additional population.

Recommendation 6: Increase resources for both jails and prisons to support the mentally ill.

Recommendation 7: Consider statutory changes to foster increased collaboration between jails — and between jails and DOC — with the goal of decreasing bed demand.

Introduction

Background

The Washington State Legislature directed the Office of Financial Management (OFM) to conduct an analysis of statewide adult correctional needs, including how operational costs are incurred among local governments (see textbox for Budget language).

The impetus for this study was county and regional jails looking for ways to address funding gaps due to current extra capacity in some jails. The Legislature also desires to explore alternatives to construction and staffing of a new \$195 million (or more) state prison facility on the site of the old Maple Lane School, the former state juvenile detention center in Grand Mound. The Department of Corrections anticipates needing 1,000 medium security prison beds (male and female needs combined) by 2020.

This study explores the feasibility of collaboration between DOC and local entities to most efficiently meet detention and programmatic needs across the state.

Key Questions

In order to assess the feasibility of collaboration and the legislative requirements, the following key questions were examined:

- What is the agency's mission regarding the population it serves?
- What are the financial impacts to cities and counties of providing detention in county jails?
- What funding mechanisms for jails are in place?
- What programs are available in jails?
- What medical and health care is available in jails?
- What is the current capacity of jails statewide?
- What billing and tracking processes are in place?
- How is jail capacity being utilized and why?
- How is local jail capacity forecast?
- Is capital planning for jails coordinated statewide? Within a county?
- What barriers or solutions exist for the use of jail beds in lieu of prison beds?

Excerpt from Engrossed Substitute Senate Bill 6002, Supplemental Operating Budget, page 39:

The analysis must examine, among other things, how regional capacity is currently being utilized at the state and local level including, but not limited to: Historical and current utilization, level of security, ability to provide medical and mental health care, and availability of programming. The analysis must examine the financial impact to counties of providing felon and juvenile detention. In addition, the analysis must include the identification of barriers and solutions for the use of local jails in lieu of prison beds including: For individuals who would otherwise be transferred to department of corrections for a short-term stay; for violator population billing and tracking; and for long-term stays in jail in lieu of prison.

Study Approach and Methodology

We used several methods, both quantitative and qualitative, to answer the questions and develop recommendations over the course of the study (July - October, 2014).

Data Analysis. We used publicly available data and custom queries from DOC, OFM, Department of Revenue, the Administrative Office of the Courts, and the State Auditor's Office for prison population, criminal justice system analysis, and government expenditures and revenues. We collected detailed financial information on jail and prison operating and capital costs as well as how jails and prisons calculate their daily bed rates.

Literature Review and Interviews. We reviewed policies, previous studies, national studies, and U.S. Department of Justice statistics and other research related to prisons and jails focused on capacity, mental health services, regional approaches, and evidence-based practices. We also conducted phone and in-person interviews with DOC staff, city and county staff, and elected officials, sheriffs, prosecutors and defenders, union leaders, advocates, and individuals at other state agencies and organizations that work on criminal justice.

Site Visits. We visited the following jail and prison facilities:

Jails: King County Correctional Facility (Seattle); King County Regional Justice Center (Kent); Yakima County Corrections Center, Main Facility and Annex; Pierce County Detention and Corrections Center (Tacoma); South Correctional Entity Regional Jail (SCORE) (Des Moines);

DOC: Washington State Penitentiary (Walla Walla); Washington Corrections Center for Women (Gig Harbor); Washington Corrections Center (Shelton)

Capacity Survey. We sent a survey out to all local and regional detention facilities with reported capacity for greater than 100 inmates in order to create a better picture of facility characteristics such as programs, certification, security, bed contracting, offline capacity, and room for expansion. We received information from the City of Kent and 14 counties - Benton, Chelan, Clallam, Cowlitz, Grant, Grays Harbor, Kitsap, Kittitas, Lewis, Okanagan, Snohomish, Spokane, Thurston, and Whatcom.

Previous Studies

Several studies have been completed in the last decade that examine some of the same issues and complement the work done for this report. Five studies are summarized below.

Capacity Studies

The Washington State Legislature directed OFM to contract with a consultant to conduct an analysis of cost-effective options for the incarceration of adult prison offenders for the next ten years. "Cost-Effective Incarceration of Washington State Adult Prison Offenders" (Criminal Justice Planning Services with KMB Design Groups, Inc., 2012) explored three feasible options listed below for solving prison capacity needs for male offenders.

- Keep reception at the Washington Corrections Center using existing buildings and expand capacity elsewhere;
- Keep reception at the Washington Corrections Center by demolishing three inefficient buildings, construct a new reception center in their place, and expand elsewhere; and
- Build a new reception center at Maple Lane and repurpose the Washington Corrections Center as a multi-custody prison for maximum, close, and medium/MI3 inmates.

Regional Facilities Studies

“Regional Jails, Concept Report” (Kuennen, 2005) produced in 2005 for consideration by the Corrections Committee of the Washington Association of Sheriffs and Police Chiefs (WASPC) advocates for a regional approach to jails in general and highlights that it would be particularly useful for inmates with mental health and/or chemical dependency. The report identifies numerous legislative changes that could support a regional model. Examples include:

- A single entity per county responsible for all post-trial offenders. This entity could then work with other county entities directly to serve regional needs.
- State funding for jail services relating to mental health or chemical dependency issues. Specific local jails that house programs for these populations could be funded directly by the State for offenders they house, regardless of the originating jurisdiction.
- Creation of a Regional Jail Authority with revenue collecting authorization and responsibility for post-trial offenders. Local jails deal only with pretrial and community custody offenders.

All changes involve shifting some of the responsibility for care from local governments to regional or state entities. All would seem to entail more state funding and less reliance on local budgets.

“Analysis of Establishing a Regional Jail Facility for Offenders with Mental Health or Co-Occurring Mental and Chemical Dependency Disorders” (JLARC, 2006) explored whether an existing facility could serve as a specialized regional jail facility. Questions included: What size would it need to be (how many offenders)? What key features/attributes should it have? What are the costs associated with converting an existing facility?

The report recommended that the Legislature:

- Consider local requirements to estimate demand for a specialized regional jail facility;
- Consider basic custody staffing efficiencies as a key cost factor for conversion of an existing facility; and
- Consider incorporating a specialized wing to serve as a regional mental health facility into the planning for a new county jail.

OFM and WASPC concurred with these recommendations.

Work Release and Partial Incarceration

“Work Release and Partial Confinement Options” (Department of Corrections, 2013) was a response to Third Engrossed Senate Bill 5034, which directed DOC to evaluate its use of partial confinement and work release programs and make recommendations for improving public safety and decreasing recidivism through increasing participation in partial confinement reentry and work release programs. DOC identified four options:

- **Increase Capacity by Graduated Reentry Incentives.** Allow offenders that are successfully participating in work release to be transferred to the community on electronic monitoring (home detention) with enhanced supervision in the community for up to the last 60 days of their sentence.
- **Establish Community-Based Placements for Offenders with No Supervision Upon Release.** This option considers two populations: 1) offenders who are eligible for work release, but do not get placed due to current lack of capacity, and 2) offenders who are ineligible for work release due to medical, mental health, or dental issues; current crime;

various program holds; etc. These offenders would be transferred to the Community-Based Placement from a DOC prison facility for the last 90 days of their sentence and would be on electronic home monitoring with increased supervision in the community.

- **Expansion of Existing Work Release Contracts.** DOC made a budget request for work release funding beyond the current base funding to expand by a total of 86 beds at nine work release locations. This was not funded.
- **Expansion of Work Release through New Building/Contracting for Work Release Capacity.** Requires legislative funding for the formal siting process to begin to build or contract new work release facilities.

Financial Health

“County Financial Health and Governance Alternatives” (Department of Community Trade and Economic Development, 2007) recognized that counties have limited revenue options and capacity that have been further limited over the last decade. The report identified the most fiscally distressed counties and where efficiencies, cost savings, and/or improved level of service might be achieved. The report has nine recommendations, including furthering the expansion of joint or consolidated service provision among governments and increasing flexibility of existing county funding sources.

Current Initiatives

Bureau of Justice Assistance, Justice Reinvestment Taskforce. Concurrent with this study, the Council of State Governments is providing technical assistance to Washington State under BJA’s [Justice Reinvestment Initiative](#). This data-driven process is designed to reduce spending on incarceration and reinvest the savings in strategies that reduce recidivism and increase public safety.

Yakima Proviso. DOC was asked to assess possible uses for the Yakima County Corrections Center, including but not limited to, housing for short-term offenders; housing for community supervision violators; housing for offenders with special program needs such as offenders with mental health issues; and housing for older or infirm offenders. A report is due to the Legislature by December 1, 2014, with findings, cost estimates, and recommendations for the use of the Center.

DOC RFP for out of state prison beds for incarcerated felony offenders. Issued on September 19, 2014 “for the purpose of providing total confinement housing for up to 1,000 male DOC felony offenders and up to 100 female DOC felony offenders, whom the Department defines as medium and/or minimum custody offenders, regardless of offense. Although the Department cannot guarantee that it will use any beds, the Department seeks to contract for prison beds for up to four years, with the possibility of contract renewal upon mutual agreement.” According to DOC, this contract allows for contingency planning in case of an emergency, or if DOC’s population exceeds the capacity at a level that would endanger staff and inmates. The current contract has been in place for six years.

Report Organization

Following this introduction, the report is organized into the following sections:

- **Correctional System Overview**
- **Financial Analysis**
- **Demand, Capacity, and Utilization Analysis**
- **Study Findings and Recommendations**

Correctional System Overview

Jails and Prisons

What is the difference between jails and prisons?

The words jail and prison are often used interchangeably, but they are not the same. Jails and prisons are operated by different governments, house offenders for different purposes, provide different types and levels of programs and treatment and house offenders for different lengths of stay (see text box). That said, most offenders enter the criminal justice system through jails.

Who is responsible for jails and prisons?

Washington State is unique among states in that it has cities, counties and tribes building and operating jails. Many states do not have as many levels of government providing jail services. The existing jails vary in size, provide different types and levels of services, and have different management styles and philosophies. Unlike jails, prisons are operated solely by DOC. The state's corrections system is made up of a centralized prison system that interacts with a very diverse group of jails.

Exhibit 1 shows the location of state prisons, county juvenile detention facilities, and county, city, and tribal jails with capacity of over 100 in Washington State. There are two city jails (Kent and SCORE, a jail that serves seven member cities) and one tribal jail (Nisqually) that have the capacity to house more than 100 inmates. Fife and Marysville house more than 100 but were designed for lower capacity. Community Justice Centers are also shown (explained below under What is Community Corrections?)

In the aggregate, DOC houses an average daily population (ADP) of approximately 17,500, while jails house an ADP of about 12,000. Over the course of a year, far more people move through the jail system due to the short length of stay (often as short as one day). The highest volume, as measured by numbers of offenders, is predominately on the west side of the state. This has implications for how to think about system capacity and utilization due to transport costs, access and proximity to attorneys, court facilities, and family visits, and linkage with community services that can help support successful reentry from jail or prison back to the community (see the [National Institute on Corrections Offender Reentry/Transition resources](#)).

Definitions

Jail – in Washington State, cities, counties, and tribes operate jails. Most jail detainees are unsentenced and are awaiting trial. Others have been convicted and are awaiting sentencing, have received a sentence of less than one year, are sentenced and awaiting transfer to prison, or are being temporarily held on a probation violation or other jurisdictional hold.

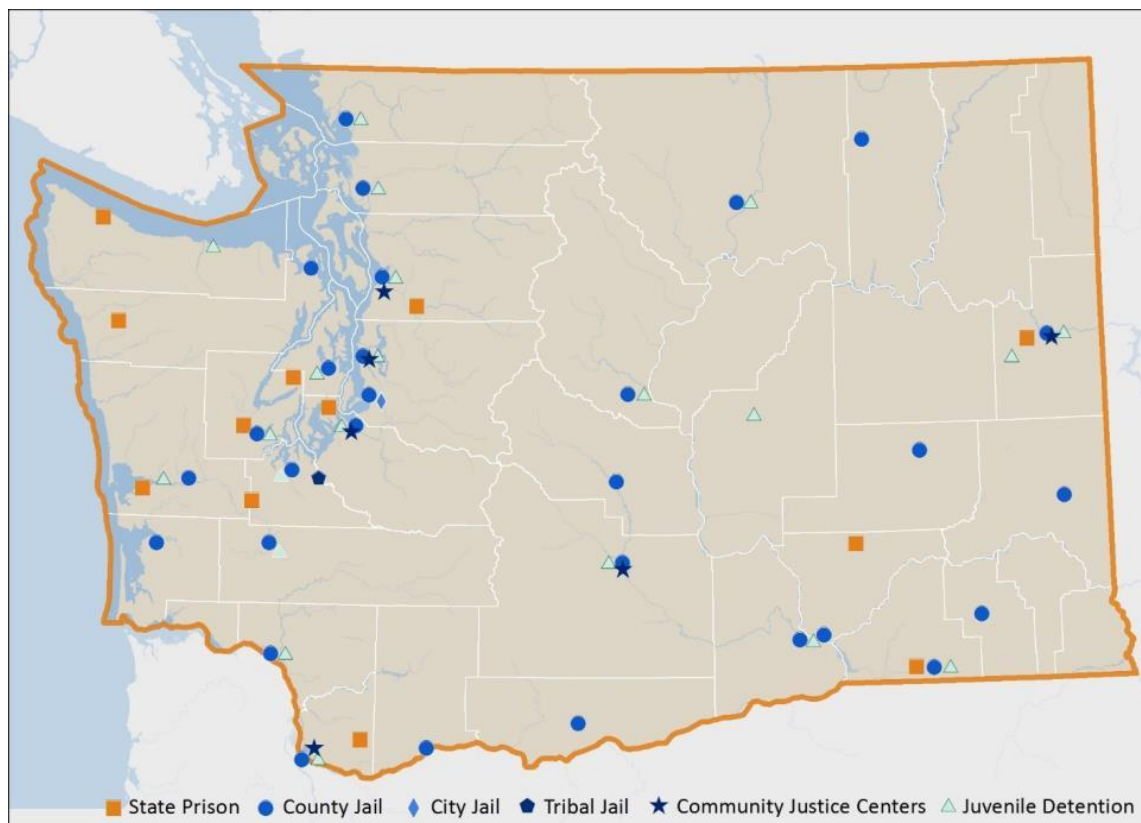
Prison – operated by the State Department of Corrections. Prisons house inmates with sentences longer than one year.

Custody classification – inmates are classified based on criminal history, sentence, and behavior. An inmate's classification guides housing security level.

Security level – housing units are classified based on structural and security features, e.g., single bunk maximum security cells versus minimum security dorm units.

Recidivism – is defined by WSIPP as any offense committed after release to the community from jail or prison that results in a Washington State court legal action (Barnoski, 1997).

Exhibit 1: Location of State Prisons, County Jails and Juvenile Detention, and Tribal and City Jails with 100 or More Beds



Source: BERK, 2014.

What is the recent history of jails and prisons?

In the 1980s, faced with rising jail and prison populations and judicial orders related to jail conditions and overcrowding, the Legislature authorized state bonds to support the construction of many of the jails in the state. Starting in the late 1990s, the most recent generation of jails was added to the system using local funding. More recently, policy changes and decreased crime have resulted in changes in the need for facilities. Prisons are confronting a shortage of medium custody housing and both systems are challenged by an increase in inmates with mental illness and inmates with a history of gang-involvement, increasing the potential for violent behavior.

In some counties, cities are reducing their reliance on their local county-operated jails, and instead choosing to “shop” for lower cost jail beds provided by other jurisdictions to house misdemeanor defendants. As cities have built their own jails or chosen to rent from other jurisdictions, misdemeanor defendants in some counties are being shifted away from their local county facilities to facilities elsewhere that offer lower rental rates. Some counties are faced with empty beds and operating costs that limit their ability to compete in the jail bed rental market.

The most recent round of jail construction started in 1996 with the construction of the King County Maleng Regional Justice Center and a series of county juvenile detention facilities around the state. Recent construction has focused on replacing or significantly upgrading older, larger facilities in response to population pressures and improvements in jail design. According to the State Bond Users Clearinghouse, since 1998, nine county and two city jails have been financed with bond issues totaling approximately \$400 million.

In the early 2000s, King County notified cities that they could no longer provide misdemeanor jail services for municipal arrestees and court commitments. While a ten-year exit strategy was negotiated, seven South King County cities (Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac and Tukwila) came together to develop a regional misdemeanant jail to realize cost and operational efficiencies as well as to provide predictability for future jail needs. Once SCORE (South Correctional Entity) opened in Des Moines, both Renton and Auburn closed their jails.

The past decade has also seen the state employing evidence-based criminal justice strategies. For example, in 2003, the state implemented a separate drug offense sentencing grid with the objective of reducing recidivism among drug offenders. DOC continues to refine its community supervision program by focusing on higher risk individuals and supporting behavior change (Council of State Governments Justice Center, June 2014).

What role do the tribes play?

On July 29, 2010, the Tribal Law and Order Act of 2010 was signed into law, expanding tribal court sentencing authority. As a result, offenders may serve longer sentences (up to three years) in Indian country correctional facilities (P.L. 111-211, H.R. 725, 124 Stat. 2258). Indian tribes exercise sovereign powers over their territory.

As shown in Exhibit 2, seven tribes are operating jails in Washington; however, six house 20 or fewer inmates. While Nisqually housed a population of less than 100 in June 2013, the tribe recently opened a facility with a current capacity of 288 and the potential to expand to 576 beds. The tribe is renting beds in this new facility to other jurisdictions around the state. The old 90-bed jail will be converted to another use. The project was funded with a grant from the U.S. Justice Department and a low-interest loan from the U.S. Department of Agriculture (Thurston County Resource Stewardship, 2011). The Justice Department grant was part of an expansion of existing correctional systems funding for tribal lands under the American Recovery and Reinvestment Act of 2009.

Exhibit 2: Inmates in Tribal Jails, June 2013

Facility	Average Daily Population
Nisqually Adult Corrections	92*
Chehalis Tribal Police Department and Adult Detention Center	20
Spokane Adult Detention Center	15
Colville Adult Detention Center	12
Makah Public Safety-Adult Detention	10
Quinault Nation Police Department and Holding	7
Puyallup Tribal Law Enforcement and Adult Detention	4

Note: This is the old facility. The new facility that opened in 2014 holds 288.
Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2013.

It is too early to say for certain what the impact of this new tribal facility is, however this additional misdemeanant capacity (which is being rented to other jurisdictions at a lower cost than what some county jails can offer) may further challenge jails with significant excess capacity.

How has jail design changed over the years?

Jails in Washington built over the past 30 years straddle two generations of design philosophy. The two King County jails exemplify the differences in design thinking. The downtown Seattle jail (King County Correctional Facility) has operated since 1985 and is in a high rise/tower building with 11 stories (effectively 22 floors as there are two floors per story). In addition to individual cells, there are self-contained housing units (pods) with eight group cells containing 16-20 inmates each. The pod is “indirectly supervised” by an officer sitting in a central control station from where he/she can monitor all the cells, control the doors, and communicate with other staff. There is little natural light and the recreation spaces are quite small. Visitation occurs in rooms outside of the pod, requiring staff escorts of inmates. Typically, there is limited or no space to provide programs on the unit.

The Maleng Regional Justice Center (MRJC) opened in 1997 is an example of a newer generation jail with 14 pods. Each pod holds up to 64 inmates single bunked in individual 80 square feet (sf) cells around a central shared space (9,600 sf) with an officer providing direct supervision from within the pod and interacting with inmates when they are in the shared space. Each pod contains a 1,700 sf outdoor recreation space, visiting, basic medical triage, dining, and program areas. Compared to the downtown Seattle jail, there is far more natural light and more space for programs. All cells currently contain one inmate, though there are two bunks in each. Double bunking increases security risks and therefore the need for additional staff.

What standards are in place?

Consistent standards for jail operations or services are not in place. While several sets of standards exist, they are voluntary and of varying quality. In the 1980s, the Washington State Corrections Standards Board was responsible for the development of minimum physical plant and design as well as capacity standards that were tied to the funding of jails (WAC Title 289). Once the Corrections Standards Board was abolished, counties and cities no longer were held to any type of minimum plant and/or capacity standards.

Several national associations have developed voluntary standards and accreditation processes. The American Corrections Association (ACA) has standards for jails and prisons. These standards address external fences/barriers for different housing security levels and how jail walls fit into that standard; square feet per inmate for sleeping quarters; and program and recreation space, among other things. The ACA has also defined standards for provision of health and mental health care in jails (see below). Other associations, such as the National Commission on Correctional Health Care ([NCCHC](#)) have similar voluntary standards and accreditation programs. Many architects specializing in jails use these standards today as minimums for jail design.

The United States Marshals Service conducts inspections of non-federal detention facilities that house federal detainees using what is known as the *Core Detention Standards*. Similar to the ACA standards, there are 59 individual elements encompassing nine common functional areas. In Washington, the Department of Justice uses 24 facilities to house federal detainees, 12 on each side of the state. These facilities are inspected regularly by the U.S. Marshal Service for compliance with the *Core Detention Standards* and reporting on injuries and deaths of inmates and jail staff.

WASPC has developed voluntary accreditation standards for jails (Washington Association of Sheriffs and Police Chiefs, 2014). These standards are being tested at SCORE as the first candidate for accreditation. However, as with other standards, they are voluntary and for now there are no mandatory standards in place in the state. Most of the substandard facilities that still exist today were built a long time ago and would fall under the category of “older designs” constructed prior to the 1980s round of construction or were never covered by state standards because of size.

What health services are required?

Under the Eighth Amendment of the U.S. Constitution, states are mandated to provide inmates with adequate health care (Kinsella, 2004). Over the years, inmate lawsuits and court rulings have further defined inmate health care delivery. Per RCW 70.48 (City and County Jails Act) health care is defined as including preventive, diagnostic, and rehabilitative services provided by licensed health care professionals, including the provision of prescriptions drugs. The Affordable Care Act and NCCCHC both have voluntary standards and operating guidelines for provision of health and mental health care. (See JLARC, 2006 for the Affordable Care Act mandatory components of jail-based mental health program).

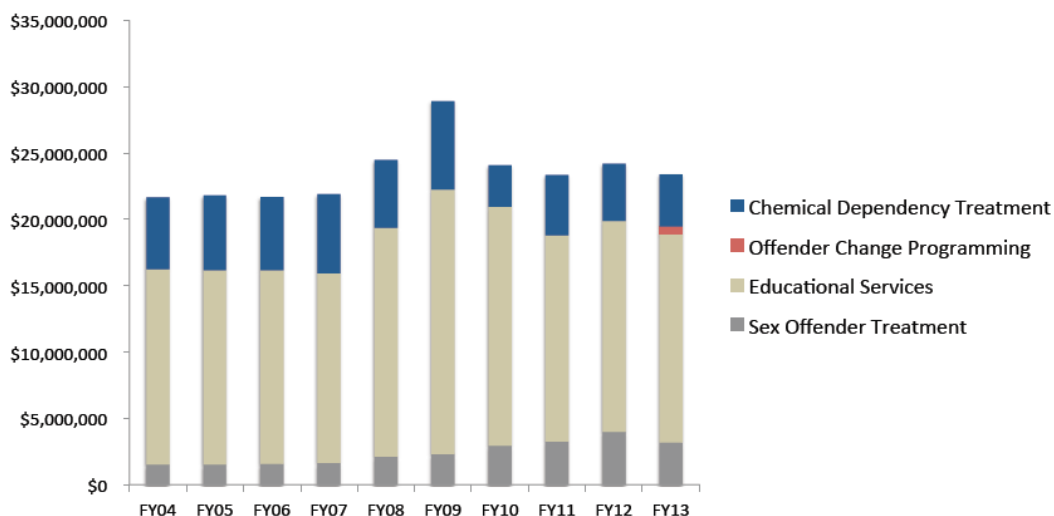
It is anticipated that the federal Affordable Care Act will make available health care resources, including mental health/chemical dependency treatment resources that can be accessed for the community-based offender population. Many jails are getting inmates enrolled in a health insurance plan upon release. However, the availability of providers willing to accept Medicaid was cited frequently as a challenge for connecting individuals to health and mental health care.

What programs are provided?

Educational, vocational, behavioral, exercise, faith-based, and other programs may be offered in both jails and prisons. The nature and quality of these services and programs vary dramatically between facilities. Many jails rely primarily on volunteers for program delivery, and with the exception of a few jails, provide limited mental health and medical services. Short inmate stays, availability of space, and cost of delivering evidence-based programs are barriers for most jails.

Programs and services in prisons are far more extensive than those in jails. Since most inmates are in prison for at least one year prisons offer a wider array of programs and mental health and health care services. Washington prisons offer an array of evidence-based and research-based programs as indicated by Washington State Institute of Public Policy and Washington State University's reviews, along with volunteer and other enhancement programs. These programs include cognitive behavioral therapy, chemical dependency treatment, sex offender treatment, vocational treatment, employment opportunities, correctional industries in prisons, and educational programs. Exhibit 3 shows the prison-based program expenditures for DOC over the past decade.

Exhibit 3: State Correctional Program Expenditure (FY 2004-13)



Note: DOC refers to Educational Services as Education and Vocational Services and Sex Offender Treatment as Sex Offender Treatment and Aftercare.

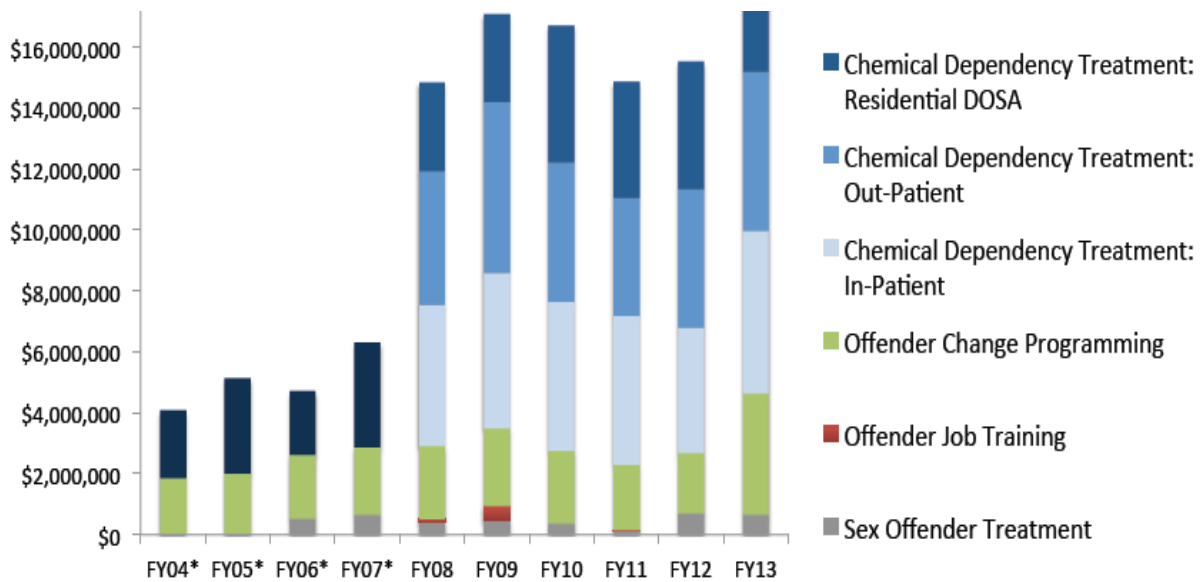
Source: Council of State Governments Justice Center, September 2014, p. 36; DOC Budget office data.

What is Community Corrections?

DOC's Community Corrections Division supervises a caseload of approximately 16,537 (offenders in communities and work release facilities across the state). The Division supervises offenders who have either been confined in a county jail or prison, or were sentenced to direct supervision in the community. There are 98 field offices in the state. Offenders report to Community Corrections Officers and most have conditions of supervision. DOC operates six Community Justice Centers where services and core programs are offered to offenders (see Exhibit 1). Core programs include employment assistance, continued education, chemical dependency treatment classes, counseling, and other services proven to reduce the likelihood of re-offense. The Division also cooperatively manages 16 work release facilities. Work release is a form of partial confinement in which offenders are permitted to live in residential facilities. During this time the offenders are expected to secure employment and are assisted in establishing positive support networks with family, friends, and the community.

Exhibit 4 shows the expenditures for community supervision programs over the past decade.

Exhibit 4: Community Supervision Program Expenditures (FY2004-2013)



Notes: * Sex Offender Treatment funding for FY04 and FY05 was not separated or tracked financially and chemical dependency treatment funding for FY04, FY05, FY06 and FY07 was not separated financially.

DOC refers to Sex Offender Treatment as Sex Offender Treatment and Aftercare.

Source: Council of State Governments Justice Center, September 2014, p. 36; DOC Budget office data.

What does the research say about what works to reduce recidivism?

The research in corrections highlights a series of policies and practices that support reductions in recidivism and population flow through the criminal justice system. The evidence regarding recidivism indicates that triaging lower risk offenders out of the criminal justice system and focusing resources on moderate and high-risk offenders can have a positive impact on recidivism rates. The research is clear that institutionalizing individuals increases their risk of reoffending. To use public resources effectively and to increase public safety, evidence-based systems attempt to reserve the most expensive system resources (e.g. prison beds) for individuals with the highest recidivism risk and criminogenic needs (Summers & Willis, 2010).

Definitions

Recidivism Risk – The probability that an offender will commit additional offenses.

Criminogenic Need: Factors that research has shown have a direct link to offending and can be changed.

Responsivity: Matching an offender’s personality and learning style with appropriate program settings and approaches (Bonta & Andrews, 2007).

By assessing risk at the front end of the system, i.e. pretrial, individuals who are identified as low risk to recidivate can be diverted away from jail and assisted with maintaining the pro-social elements (employment, housing, family connections, etc.) of their lives. By diverting or releasing lower risk individuals from the system, their opportunities for success increase.

Following incarceration, the use of programs such as work release or transitional housing can support the transition of inmates back to the community. In addition, providing intensive, individualized reentry planning and supportive transitional case management increases opportunities for a successful transition (Petersilia, 2003).

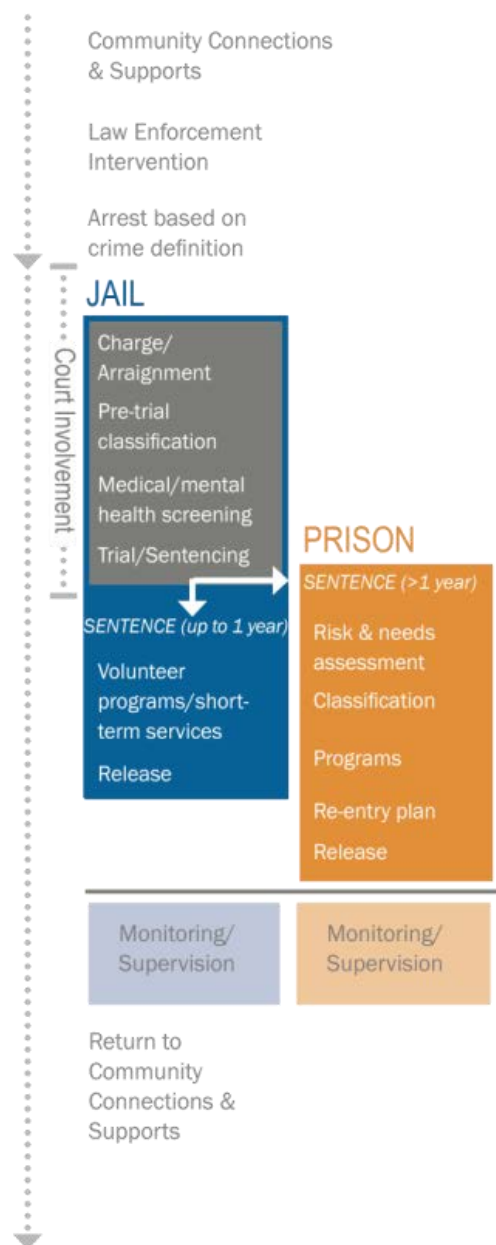
Washington is viewed as a leader in employing evidence-based criminal justice strategies. Examples include: changes to drug sentencing (2003), being the first state to implement “swift and certain” violator practices (2012), statutorily mandated evidence-based juvenile justice policies (1998), and DOC’s community supervision practices that are shifting to the use of evidence-based supervision practices and treatment programs. Individuals released from prison in 2006 had a much lower reconviction rate than those released in 1990, suggesting that the state’s efforts to reduce recidivism have been successful (Council of State Governments Justice Center, June 2014).

What determines where an individual ends up?

The graphic on the right shows the path an individual may follow if they are arrested for a crime. During the court process, many individuals are detained in a jail. Once sentenced, the type and length of sentence determines where they serve their sentence. Almost all inmates are eventually released from incarceration and transition back into the community. Note that this is not the exact path for every individual. For example, after arrest many individuals are released while awaiting trial and not all inmates have monitoring/supervision upon release (discussed later in the report). This schematic is repeated throughout the report with additional data related to points along the path.

Washington is one of 21 states that use sentencing guidelines and one of 13 states without parole release¹ (Council of State Governments Justice Center, September 2014). Washington uses sentencing grids that assign sentences based on offender score (criminal history) and the seriousness level of the crime. There is an adult felony grid and a drug offense grid. With 169 total cells, the adult felony grid has more columns and rows than most other state grids (Council of State Governments Justice Center, September 2014).

Courts use the grids to determine sentences and here again, Washington has a distinct system. Washington has a Supreme Court, a Court of Appeals, 30 Superior Court Judicial Districts, at least one District Court in each county, and multiple municipal courts and tribal courts (Administrative Office of the Courts, 2011). Like many other areas of state policy, this system reflects Washington’s “local control” model.



¹ Parole is the provisional release of a person from prison prior to the end of the maximum sentence imposed.

How are jails and prisons different?



The most common response to how jails and prisons differ is the length of stay in a facility (Bureau of Justice Statistics, 2014). In Washington, jails are designed largely to hold people who present a danger to the community and/or are at risk of failing to appear at their court hearings and to hold inmates sentenced for less than a year of incarceration. Prisons are designed to hold inmates sentenced to more than one year of incarceration.





A more nuanced answer is that jails and prisons serve different purposes in the criminal justice system. Each system is specialized to perform specific functions for the criminal justice system and each has its strengths and weaknesses. State prisons have the ability to deliver extended length programs and use incentives to affect inmate behavior both while in prison and during transition back to the community. Jails focus on intake to the criminal justice system and full and partial custody housing as a sanction for violations of community supervision.

Exhibit 5 illustrates some of the differences between jails and prisons in Washington State.






Exhibit 5: Summary of Jails and Prisons in Washington State

	Jail	Prison
Mission	<ul style="list-style-type: none"> ▪ Public safety and security ▪ Temporary holding of pre-sentence defendants ▪ Short term housing of sentenced inmates 	<ul style="list-style-type: none"> ▪ Public safety and security ▪ Reducing recidivism through the use of evidence based programs and practices ▪ Long term housing of sentenced inmates
Location	<ul style="list-style-type: none"> ▪ Found in all sizes of cities/ counties. ▪ Typically located in proximity to courts 	<ul style="list-style-type: none"> ▪ Larger facilities that tend to be more self-sufficient and are often located outside urban areas
Population	<ul style="list-style-type: none"> ▪ Inmates sentenced to one year or less Misdemeanants and felons prior to transfer to county jail ▪ Defendants awaiting trial ▪ Violators of the terms of community supervision ▪ Other populations specific to a rental customer, i.e., federal marshal or Immigration and Customs Enforcement 	<ul style="list-style-type: none"> ▪ Inmates sentenced for more than one year
Length of Stay in Washington	<ul style="list-style-type: none"> ▪ Jails experience high churn rates, but can house sentenced offenders for up to one year. Average stay length is very different from the most common stay length. For example, King County reported an average of 21 days, a median of 2 days and a mode of 1 day <p>Average</p> <ul style="list-style-type: none"> ▪ Defendants charged with misdemeanors: 9 <u>days</u> ▪ Defendants charged with felonies: 25 <u>days</u> 	<ul style="list-style-type: none"> ▪ Prisons experience more stable populations with sentences ranging from a year and a day to life. In this environment, the average stay is closer in length to the typical stay <p>Average</p> <ul style="list-style-type: none"> ▪ 23.4 <u>months</u>

	Jail	Prison
Capacity	<ul style="list-style-type: none"> ▪ Jail use varies greatly by jurisdiction and is driven by local variables ▪ Local jails in Washington range from 8 beds to over 2,500 beds, depending on the jurisdiction ▪ City jails are 140 beds or less except for SCORE which has 802  <p style="text-align: center;">King County Correctional Facility</p>	<ul style="list-style-type: none"> ▪ Prison use is driven by the State Department of Corrections ▪ Prisons are designed for scale, ranging in capacity from 300 beds to over 2,500 beds  <p style="text-align: center;">Corrections Center for Women</p>
Demand	<ul style="list-style-type: none"> ▪ Demand for local jails is driven by state sentencing guidelines, but also distinctly local variables such as law enforcement practices, prosecution and court procedure, and crime rates and patterns ▪ Four jails reported using forecasting models. For jails, the number and unpredictability of demand drivers can make forecasts impractical 	<ul style="list-style-type: none"> ▪ DOC demand is driven by state sentencing guidelines, and the aggregate of local practices that result in sentences longer than one year, which is more predictable ▪ The state invests considerable resources in forecasting demand through the state's Caseload Forecast Council ▪ DOC invests resources in implementing programs and strategies to reduce future demand
Staffing	<ul style="list-style-type: none"> ▪ Jails do not have uniform staffing standards, but determine this locally according to their physical plant, security needs, and labor agreements 	<ul style="list-style-type: none"> ▪ Staff ratios are subject to a state staffing model that recommends number of correctional staff according to physical plant and custody level, and labor agreements and demands to bargain
Assessment	<ul style="list-style-type: none"> ▪ Some mental health, chemical dependency, and medical screening ▪ Limited use of assessment to determine risk for recidivism and criminogenic needs 	<ul style="list-style-type: none"> ▪ Comprehensive mental health, chemical dependency, and medical assessment and treatment plans ▪ In process of implementing comprehensive risk and needs assessment and case plan

	Jail	Prison
Mental Health	<ul style="list-style-type: none"> ▪ Mental health screening ▪ Limited onsite mental health care ▪ Variety of models for provision of mental health care across jurisdictions ▪ Focused on stabilization, maintenance and outside referral if needed  <p>Pierce County Jail</p>	<ul style="list-style-type: none"> ▪ Onsite mental health assessment and treatment ▪ Long term care capability ▪ State system-wide planning for mental health care across prisons ▪ Rehabilitative focus  <p>Corrections Center for Women</p>
Medical Support	<ul style="list-style-type: none"> ▪ Medical screening and triage ▪ Limited basic onsite medical care ▪ Variety of models for provision of medical care across jurisdictions  <p>SCORE</p>	<ul style="list-style-type: none"> ▪ Comprehensive medical assessment and screening ▪ Limited basic onsite medical care (more comprehensive than jails) ▪ Capability for long-term secure infirmary stays ▪ Statewide coordination of medical care and medications across prisons  <p>State Penitentiary Walla Walla</p>

	Jail	Prison
Programs	<ul style="list-style-type: none"> Program availability limited by local budget constraints, capacity, and population turnover Though there are exceptions especially in newer facilities, programs are more likely to be run by volunteers, less likely to be evidence-based, and less likely to have dedicated space Available programs are typically characterized by higher reliance on and coordination with outside service providers and agencies  <p>Yakima County Corrections Center</p>  <p>Pierce County Jail</p>	<ul style="list-style-type: none"> Statewide coordination across prisons and a relatively stable population enables broader, richer programs portfolio Programs are more likely to be professionally-staffed, evidence-based, occur in dedicated space, and be uniform across prisons DOC delivers most programs with internal professional staff, Correctional Industries, and external contracts including with Washington State Board of Community & Technical Colleges  <p>State Penitentiary Walla Walla</p> 
Visitation	<ul style="list-style-type: none"> No contact, communication through phone and glass barriers or video conferencing  <p>SCORE</p>	<ul style="list-style-type: none"> Face to face visitation, including extended family  <p>Corrections Center for Women</p>

	Jail	Prison
<p>Recreation Space</p>	<ul style="list-style-type: none"> Recreation space typically is in-unit with limited daylight Access to space is typically only allowed during limited hours due to mobility restrictions  <p>King County Correctional Facility</p>	<ul style="list-style-type: none"> Separate, dedicated recreation spaces Expanded mobility and more flexible access to recreation space, because of a secure perimeter  <p>Corrections Center for Women</p>  <p>State Penitentiary Walla Walla</p>
<p>Security & Inmate Movement</p>	<ul style="list-style-type: none"> Multi-story jails use exterior walls Jails in pod arrangements use fencing around each pod Modern facilities will also use electronic surveillance Inmate movement is typically accompanied, individual, and limited to smaller self-contained areas of the jail  <p>Pierce County Jail</p>	<ul style="list-style-type: none"> Prisons use security towers and perimeter fencing around groups of buildings Modern facilities will also use electronic surveillance Unaccompanied group movement of inmates is accomplished by timing of gates and placement of custody staff along the pathway  <p>State Penitentiary Walla Walla</p>

Financial Analysis

Local Government Financing Overview

Washington County and City Financial Responsibilities

Washington State laws delegate to the state, county, and city governments a number of public service responsibilities and authorize various forms of tax revenue and fees to cover the costs of the services delivered. Criminal justice (law enforcement, courts and adult and juvenile corrections) responsibilities are divided among the state, county and city government differently.

In broad terms, the financial responsibilities of the three are divided as illustrated in Exhibit 6 with the state being responsible for the cost of law enforcement services on state lands, the upper level courts and prisons for post-sentence adult and juvenile felony offenders sentenced to more than one year in confinement. Counties are responsible for law enforcement services in areas of the county outside of cities, felony level courts, about half of the misdemeanor level courts and jail services for pre-sentence felons, post-sentence felons serving one year or less in confinement and misdemeanants arrested in areas of the county outside of cities.

Cities are responsible for law enforcement inside of cities, municipal misdemeanor court services, and jail services for city misdemeanants. Cities are responsible for medical costs for felony defendants prior to adjudication of their charges.

Exhibit 6: Financial Responsibility for Criminal Justice Services in Washington State

Jurisdiction	Law Enforcement	Courts	Adult and Juvenile Corrections
State	Washington State Patrol and specialized law enforcement – state and inter-state highways, state lands	<ul style="list-style-type: none"> ▪ Supreme and Appeals Courts ▪ Attorney General ▪ Administrative Office of the Courts ▪ Office of Public Defense 	<ul style="list-style-type: none"> ▪ Prison (felony > year sentence) ▪ Community supervision and detainment of violators of community supervision ▪ Juvenile Rehabilitation (felony > year sentence)
County	Sheriff Departments – Unincorporated county lands and roads; some city contracts Dispatch/911 system, including city contracts	<ul style="list-style-type: none"> ▪ Superior and juvenile court (felons) ▪ District court of limited jurisdiction (misdemeanors and infractions) ▪ City contracts for court services, prosecutor, public defense, clerk, probation 	<ul style="list-style-type: none"> ▪ Jail (felony and misdemeanor pretrial detainees, those with <year sentence) ▪ Pretrial release programs ▪ Alternatives to incarceration ▪ Juvenile detention (<year felons and misdemeanors) ▪ Juvenile probation
City	Police Departments – Incorporated cities and streets Dispatch/911 system or contract	<ul style="list-style-type: none"> ▪ Contract with county District Court or provide Municipal Court of limited jurisdiction (misdemeanors and infractions) traffic violation bureaus (traffic/parking infractions), prosecutor, public defense, probation 	<ul style="list-style-type: none"> ▪ Jail for adult misdemeanor defendants by contract or in city owned facility ▪ Pretrial release programs ▪ Alternatives to incarceration

Source: BERK, 2014.

In 2010, the National Association of Counties conducted a survey of states that housed prisoners in county jails (National Association of Counties, 2010). The vast majority of states used the same type of system as Washington, housing offenders by sentence length. Prisons were responsible for offenders with sentences of more than one year and jails were responsible for offenders with sentences of one year or less, although some funding for these shorter sentences is sometimes provided by the state. A handful of states did not have county operated jails; all offenders were housed in the state system. A few states were responsible for offenders at a shorter sentence cutoff – 90 or 180 days rather than one year.

Exhibit 7 illustrates the actual expenditures by cities, counties and the state for fiscal year 2013 for law enforcement, courts (including legal) and adult and juvenile corrections. A total of \$4.3 billion was spent on criminal justice during fiscal year 2013 (cities spent \$1.5 billion, counties \$1.3 billion, and the state \$1.6 billion). Cities pay for the majority (59 percent) of law enforcement costs, counties pay for the majority (56 percent) of court expenditures and the state pays for the majority (71 percent) of adult and juvenile corrections. Cities and counties pay 29 percent of total corrections costs (22 percent for counties and 7 percent for cities).

Criminal justice expenditures represent 74 percent of all county general fund expenditures and 41 percent of all city general fund expenditures (Washington State Auditor's Office, 2013) making them the primary expenditure driver in most city and county budgets.

Between 2005 and 2013, counties' criminal justice related expenditures *increased* by approximately \$110 million dollars, primarily for court and law enforcement services. Over the same period, the state's criminal justice expenditures *decreased* by \$250 million per year, primarily in corrections.

Jail Cost Responsibilities

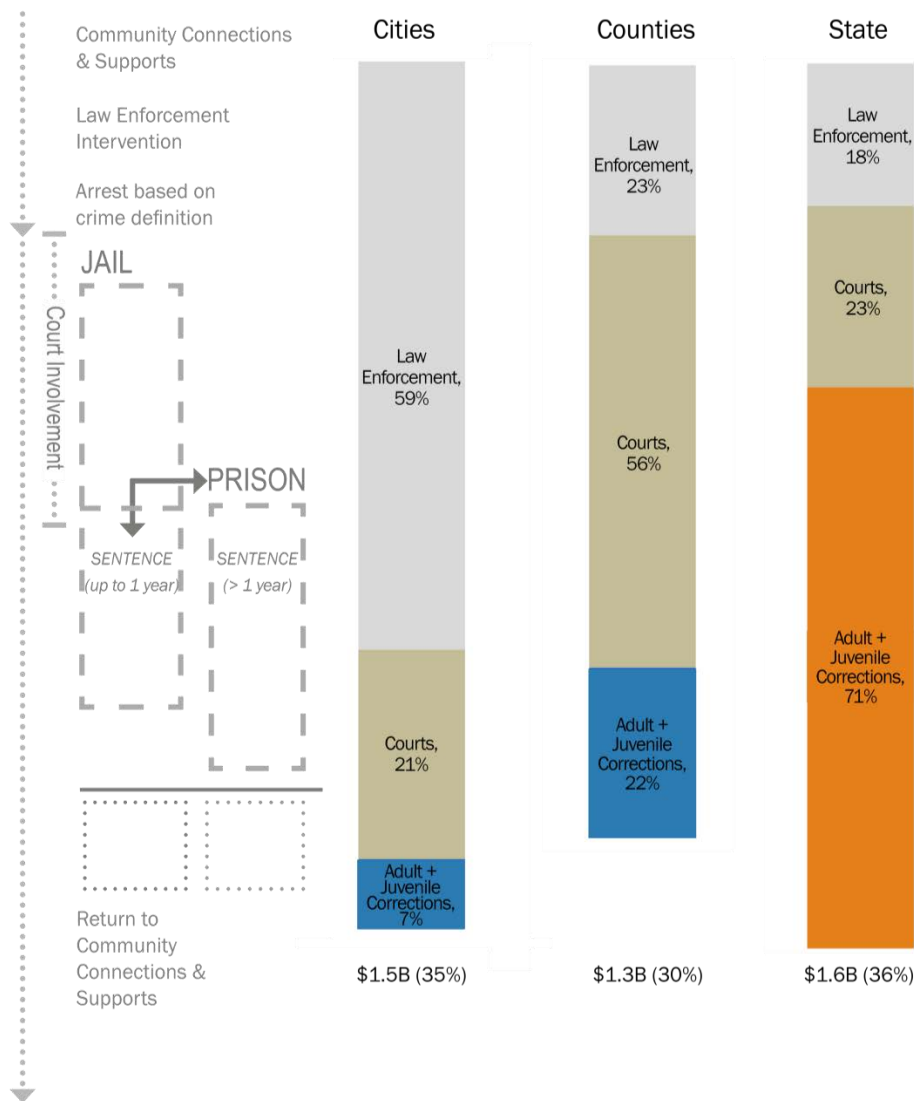
Responsibilities for operating and financing jails are apportioned by state law between local government – counties and cities (Washington State Auditor's Office, 2013). Counties bore the bulk of costs in 2013 – 75 percent or \$300 million in statewide jail costs. As “agents of the state,” counties are responsible for three types of jail costs (Department of Community Trade and Economic Development, 2007):

- Lower level crimes (misdemeanors) in unincorporated areas outside of cities;
- Initial, or pre-sentence costs of holding defendants for felonies (more serious crimes, such as murder, sex crimes, robbery and drug crimes) committed in both incorporated cities and unincorporated areas in the county; and
- Post-sentence jail costs for all felons whose sentence is one year or less in confinement.

Cities are responsible for the jail costs of those arrested for committing misdemeanors (lower level property and person crimes such as shop lifting, driving under the influence, or assault) in their jurisdictions. These costs cover initial arrest to the end of a jail sentence and community supervision provided on probation or through court monitoring. City jail costs totaled \$100 million in 2013 (Washington State Auditor's Office, 2013).

When an individual is convicted of a felony and sentenced to confinement for more than one year, their sentence is served in a state prison. The state is responsible for the cost of prison as well as any post-release community supervision.

Exhibit 7: Who pays for what in the Criminal Justice System?



Note: Expenditures are actual numbers for 2013.
Source: Current Biennium Financial Reporting for State of Washington all budgeted funds; Office of Financial Management, 2014; Local Government Financial Reporting System, Washington State Auditor, 2014; and BERK 2014.

While county residents outside of cities represent 40 percent of the state’s population, they reported only 20 percent of the state’s total property and persons crimes. Eighty percent of the state’s reported crimes occurred in cities (Federal Bureau of Investigation, 2012). In 2013, cities were financially responsible for an estimated 59 percent of total criminal cases resulting in jail sentences and counties were responsible for 41 percent (Administrative Office of the Courts, 2013). Since cities are responsible for the majority of misdemeanors and counties are responsible for felons, cities pay for jail stays ranging on average from one third to one half that of county stays.

In recent years, the costs of medical care, including mental health care, liability insurance costs, and claims payments related to jail services have increased much faster than inflation (Hill, 2014). Inmates with more complex needs and deaths and injuries to inmates and staff contribute heavily to these increasing costs. Several jails, including Snohomish and Spokane counties, have experienced a number of jail related deaths over the last four years. As an example, liability insurance claim losses

related to jails outside of the Puget Sound region have grown by 8 percent over the last three years at the same time losses in other claims categories have fallen by 30 percent (Hill, 2014).

While juveniles represent a much smaller share of inmates, juvenile corrections is a financial responsibility of counties and the state that is not shared with cities. As an example, King County's average daily population of detained juveniles has decreased by 69 percent since 1998 from just over 180 to 57. However, their existing juvenile detention facility is in poor repair and in 2012, voters approved a \$210 million levy to replace the complex (Beekman, 2014).

Revenue Sources

State, county, and city governments rely on different revenue sources to pay for the services they provide. The state and cities collect three primary sources of revenue: sales and use taxes, business and utility taxes, and property taxes, while counties primarily rely on just two sources: sales and use taxes and property taxes. All three levels of government are struggling to cope with strained capital and operating resources as a result of economic conditions, limitations on their primary revenues (explained below), and increased accountability for outcomes.

State and local government finances face significant structural issues. Several counties with small tax bases cannot finance basic services even with maximum taxing authority (Department of Community Trade and Economic Development, 2007). County budgets are dominated by criminal justice costs while the state is wrestling with how to fully fund education per the Washington Supreme Court *McCleary v. State* ruling.

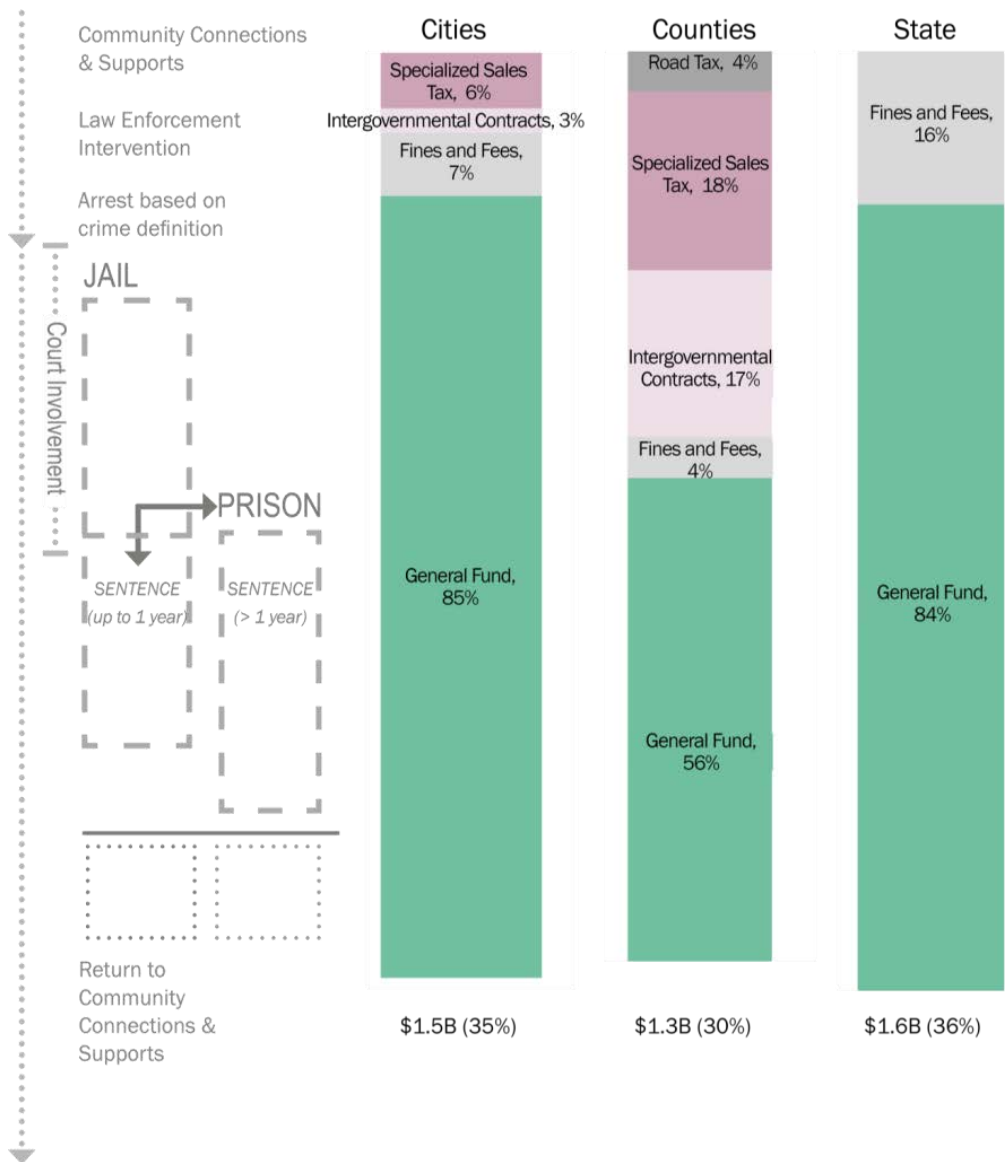
Only correction facility sales taxes (\$40 million in 2013) (Department of Revenue, 2013) and jail bed rental fees (\$83 million in 2013) (Washington State Auditor's Office, 2013) are dedicated to fund jails.

As with other areas of public service, jurisdictions contract with one another for criminal justice services such as law enforcement, misdemeanor court services, and misdemeanor jail beds. Rate competition and multi-city negotiation with counties has become commonplace. Despite contracting possibilities, many counties are finding they are unable to completely finance the operations and/or debt service of their jails with existing revenue. Nine surveyed jails reported unused jail capacity due to lack of funding as a result of budget decisions made by their elected officials.

Exhibit 8 shows the various state, county, and city funding sources for law enforcement; courts, prosecution and defense; and jail, prison, and alternatives. The state relies primarily on its general fund while cities and counties use a mix of sources. Counties and cities have specialized sales taxes that are allocated for public safety and health, emergency communications systems, mental health, and correctional facilities. Revenue sources also include intergovernmental contracts with other jurisdictions for services related to dispatch, law enforcement, district court, legal services, and jails.

Some counties have diverted their road tax collections to fund criminal justice, which is why it appears as a revenue source. One of the symptoms of county financial distress is the reduction or elimination of funding and programs in one service area, such as human services or parks and recreation in order to maintain funding in another service area, such as criminal justice. According to Washington State's County Road Administration Board, an increasing number of counties have diverted or shifted their road funds to help cover general fund expenditures that are primarily criminal justice related (County Road Administration Board, 2013). In 2013, 34 of the state's 39 counties transferred, diverted or shifted county road funds including all of the state's largest population counties. The number of counties using road funds in this way has grown significantly in the last decade (County Road Administration Board, 2013).

Exhibit 8: What revenue sources support justice expenditures?

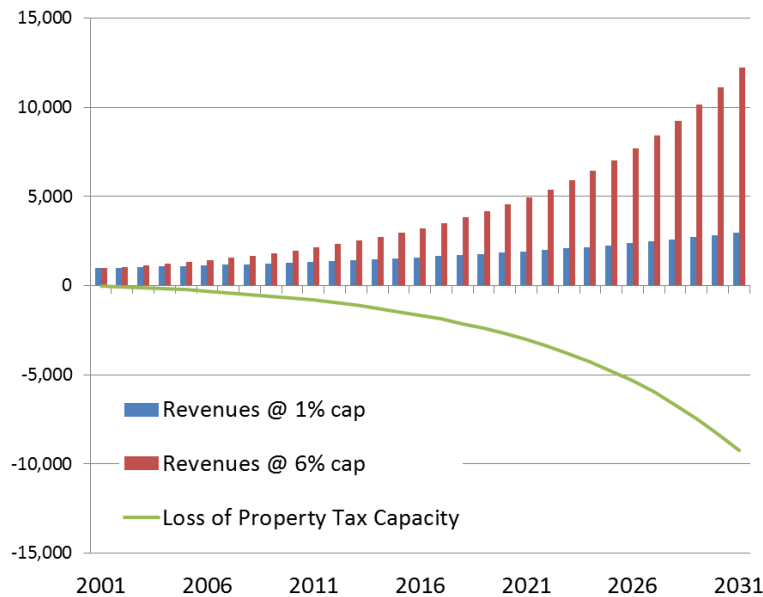


Notes: For cities primary general fund revenue is sales, property and utility/business taxes; for counties primary general fund revenue is sales and property taxes and for the state is sales, property and business taxes. Revenues are actual for fiscal year 2013.

Source: Current Biennium Financial Reporting for State of Washington all budgeted funds; Office of Financial Management 2014, Local Government Financial Reporting System, Washington State Auditor, 2014; and BERK 2014.

Property tax. Initiative 747, which went into effect in 2002, limited increases in property taxes levied by counties to only 1 percent per year, plus revenue from new construction. This limit is on taxes collected and not on assessed value. As shown below, with the 1 percent cap, cities and counties will increasingly feel the loss of property tax capacity in the coming years. Exhibit 9 shows the revenue generated between the 1 percent cap and the 6 percent cap (previously allowed by law) along with the loss of capacity over time. Of the three levels of government, counties rely most heavily on property taxes to fund criminal justice.

Exhibit 9: Loss of Property Tax Capacity Increases Over Time



Source: BERK, 2014.

The state authorized counties to levy a \$0.50 per \$1,000 of assessed value criminal justice property tax in 2004. No county has used the authority because:

- Voters have not approved the tax, which requires a supermajority (60 percent) “yes” vote.
- The revenue generated in limited tax base counties is small.
- The tax is only available to counties with populations of 90,000 or less and has a limited term of six years, which restricts its use for ongoing service or capital requirements (Department of Community Trade and Economic Development, 2007).

Sales tax. After property tax, this is the most important revenue source to counties for criminal justice services. Sales tax is susceptible to changes in the economy. Post-recession sales taxes have not generated the same level of revenue due to shifts in spending patterns. By state law, counties and cities share sales taxes collected within city limits, splitting them 85 percent /15 percent (city/county) to cover the cost of regional services. In unincorporated areas, counties keep the entire sales tax amount, but in some counties, the share of taxable retail sales in unincorporated areas is very small (for example, in King County 3.6 percent of taxable retail sales occur in the unincorporated areas (Office of the King County Executive, 2014, p. 6). This revenue challenge exists in many counties that have had significant annexation and incorporation activity.

In 2013, counties received 28 percent of basic local sales tax revenue statewide and cities received 72 percent (Department of Revenue, 2013). There is discussion among counties as to whether the share of sales tax in incorporated areas is sufficient to cover the cost of criminal justice (and other) services. At the same time, city officials have expressed concern that incorporated areas are charged twice for some county services.

Specialized sales tax. Beginning in 1995, the state authorized four additional sources of sales tax funding for criminal justice related activities: 1/10 of one cent for the construction and operation of juvenile detention facilities and jails; 1/10 of one cent for emergency (911) communications, 1/10 of one cent for mental health and substance abuse treatment, and up to 3/10 of one cent for public safety. These sources of sales tax revenue were added to the 1/10 of a cent sales tax authority shared between counties and cities for criminal justice (Department of Revenue, 2012).

Specialized sales tax revenue sources raised a total of \$236 million for counties or 18 percent of the counties' \$1.3 billion total criminal justice expenditures in 2013. Sixteen of 39 counties, including some of the state's more populous counties (except King, Clark, Benton, Kitsap, and Pierce County), have adopted some portion of the public safety sales tax. Twenty-two of 39 counties, including the state's largest population counties (except Pierce, Benton, Franklin, and Yakima County), have adopted the 1/10 cent sales tax for mental health and substance abuse treatment. Fourteen counties have adopted the juvenile detention and jails 1/10 sales tax, including some of the state's largest counties (except King, Snohomish, Yakima, and Clark) (Department of Revenue, 2014).

Cities received more limited revenue from three of the five special sales taxes totaling \$91.4 million in 2013. The split between counties and cities for the criminal justice related specialized sales tax revenues is 72 percent county, 28 percent city (Department of Revenue, 2014).

Jail bed contracting revenue. The majority of jail bed contracting revenue is collected by counties. DOC contracted with forty local jurisdictions for \$16 million dollars of bed space in fiscal year 2013. Cities also contracted, primarily with counties, for misdemeanor jail bed space at a cost of \$67 million dollars in 2013 (Washington State Auditor's Office, 2013).

Jail Construction Funding

Currently, the state does not provide loans or grants to local governments for jail construction or improvement and has instead authorized specific revenue sources, which may be used in part to fund new jail and juvenile detention construction.

The most recent round of jail construction started in 1996 with the construction of the King County Maleng Regional Justice Center and a series of county juvenile detention facilities around the state. According to the state Bond Users Clearinghouse, since 1998, nine county and two city jails have been financed with bond financing totaling approximately \$400 million.

Most recent jail construction funding has come from pay-as-you-go or local bond issues. Debt service has typically been financed initially with criminal justice, correction facility or public safety sales tax revenue. Loan or bond debt service payments have also been made, especially during the recession, with local real estate excise tax proceeds, jail bed contract revenue, and local general fund revenue in addition to specialized sales taxes. Some federal funding for jail construction has gone to the tribes (Correctional Systems and Correctional Alternatives on Tribal Lands, American Reinvestment and Recovery Act) and rural counties (Department of Agriculture Rural Development Loans).

What are the impacts of the current financial structure on jail bed use?

The pressure that cities and counties are under to deliver criminal justice services with constrained revenues is leading many jurisdictions to look for ways to cut costs or increase revenues. While individual jurisdictions are acting in their best interest to address budget shortfalls by contracting for the least costly incarceration options, the collective impact of such actions is creating challenges for the entire criminal justice system. In many cases, there is no incentive for jails to reduce their population (in line with national jail reform efforts (Office of Justice Programs, 2014), since this reduces the fees that recover costs to make up for lost tax revenues.

Declining general tax support is a problem for everyone in the system and many stakeholders noted a lack of regional coordination and collaboration to address this issue.

Current jail bed contracting practice may have the following impacts:

- Purchased jail beds may be far from the inmate's county of origin, resulting in long distance separation from family and other support systems;
- Law enforcement may spend extra time travelling long distances for booking and transport, resulting in higher costs and potential overtime/staffing impacts;
- Where video links are not available, case processing can take longer because the courts, public defenders and prosecution may not have convenient access to defendants to prepare and process cases; and
- The perception exists that jurisdictions may be contracting with jails that do not comply with basic standards for conditions of confinement and/or provide adequate services.

The inability of individual jurisdictions to fund local jail debt service and operating costs within existing tax authority may result in incentives to focus primarily on competitively pricing jail beds.

Rate and Fee Assessment

Daily bed rates, the charge assessed by one corrections facility for housing offenders on behalf of a jurisdiction, are one source of revenue for local jails. Bed rates in Washington are established a number of ways and often serve varying purposes according to the type of arrangement. Some bed rates are based on a full cost-recovery model, others are limited in legislative statutes, and others are set during contract negotiations between governments. These different methods result in significant variation in the rates charged around the state, and can affect the feasibility of collaboration between jails and between DOC and individual jails.

This section explains the types of bed rates in Washington today and their relationship to jail operating costs, using operating and capital cost information provided by five large jails as examples.

Types of Bed Rates

There are three common types of bed rate relationships in the corrections system:

1. **Inter-local Jail Capacity.** Many jails contract with one another for bed rental. These contracts are negotiated directly between jurisdictions and the majority of contracting is for misdemeanor beds. Contracts in 2013 totaled \$67 million statewide (Washington State Auditor's Office, 2013).

2. **Community Supervision Violators.** When offenders have served their prison or jail sentence and are released into the community, some enter community supervision. While on community supervision, offenders can receive sanctions for behavior that violates their supervision conditions. Most of these sanctions include one to three days of jail time, although sanctions for high-level violations may be up to 30 days under the state’s “swift and certain” program.

DOC has contracts with more than 40 local jails to house these offenders, which totaled \$16 million statewide in 2013. Current rates range from as low as \$46.35 per day to \$85.00 per day (plus extraordinary medical costs) (Department of Corrections, 2014). The budget proviso that went into effect in 2011 mandates a maximum daily rate of \$85.00 for community supervision violators, as well as a year-to-year increase maximum of 3 percent over the previous year’s rate. This means that while some jurisdictions are able to charge \$85.00 per day, jurisdictions that had lower pre-existing contracts can only increase their rates by 3 percent per year.

The \$85 maximum applies to the general costs of incarceration. Jails may include additional rates for medical care of offenders that exceed the daily cost of incarceration, provided that medical payments conform to the DOC offender health plan, pharmacy formulary, and that all off-site medical expenses are preapproved by DOC utilization management staff. For example, King County has negotiated rates in excess of \$200 per day for inmates that must be kept in the infirmary or a psychiatric unit. Currently, King County is the only jurisdiction with a DOC contracted rate in excess of \$85.00 per day.

3. **Prison Assigned Felon Population.** State law (RCW 70.48.400) assigns the financial responsibility for felony incarceration to the state for felons sentenced to 366 days or more of confinement. Proviso RHC4 adopted in 2013 gave DOC permission to let a request for proposals (RFP) for jails to house prison-assigned felons on a long-term basis (four-year contracts to house up to 300 beds). This relationship would allow offenders who are felons sentenced to more than one year, and therefore assigned to serve their sentence in prison, to be housed at jails. This authorization is conditional on having *no net cost to the Department of Corrections* from these contracts. When these offenders are housed in local jails, DOC pays a daily bed rate to reimburse these facilities for their costs of housing those offenders.

In order to enforce the “no net cost” provision, the Legislature authorized DOC to pay up to \$65 per day per bed to local jails for this type of capacity.

- The \$65 limit is based on DOC’s average cost per day per medium and lower cost inmate at a representative DOC prison. This number was calculated by dividing total facility costs by average daily population. DOC is required to calculate and report this cost on an annual basis.

The \$65 includes prison staffing (custody and non-custody), health service staffing at the prison, full medical care, and all other costs for the facility to include, but not limited to, programming, vocational education, employment, education, dependency treatment, visitation, and recreation. The cost does not include DOC headquarter staffing costs.

- The budget proviso also states that this daily rate must include programs and health care costs, which are to be provided by the local jails according to the standards and terms of contracts set forth by DOC.

The Department utilizes a screening process to ensure that inmates with existing extraordinary medical and/or mental health needs are not transferred to local jails. If extraordinary medical conditions develop for an inmate while housed at a local jail, the jail may transfer the inmate back to DOC custody.

Based on this budget proviso, DOC let a RFP in 2013 for local jails to house prison-assigned felons at a maximum cost of \$65 per day. Only two counties – Yakima County and King County – responded to the RFP. Currently, the only executed contract for this service is between DOC and Yakima County, with DOC housing up to 75 female prison inmates at the Yakima County facility. The contracted daily rate per the RFP is \$64.49 for 0-74 inmates, and changes to \$63.99 once 75 inmates are housed.

For comparison, according to the 2010 National Association of Counties survey, states typically paid counties based on bed rates that ranged from \$1.75 per day in Alabama to \$125 per day in Oregon. Most bed rates included basic medical care and additional reimbursements were made to counties for extraordinary medical care in addition to the daily bed rate. Bed rate systems varied; many states used a flat rate system and a number of others established multiple rates based on county cost of service or differential rates for different types of inmates (National Association of Counties, 2010).

In addition to the daily bed rates charged between jurisdictions, many jails also charge a booking fee at the time the offender arrives at the jail. The purpose of this fee is to cover the costs associated with the inmate intake process, such as booking staff and data entry, and inmate classification that go beyond the ongoing daily costs of housing an inmate. DOC is prohibited in statute from paying a jail booking fee. Some jails charge other fees as well for medical and other specialized services.

Jail Cost Comparison

Recognizing that jail costs are just one potential driver of bed rates, the purpose of this section is to understand the significant cost areas of operating a jail as well as the primary areas of variation in costs per average daily population (ADP) across jails.

The major operating and capital costs of five selected jails are compared:

- King County
- Pierce County
- SCORE
- Snohomish County
- Yakima County

Data from the five jails listed above consisted of their daily bed rate models (as available), their FY2014 (or most recent available year) operating budgets, and ADP.

Given the different ways that jails operate, each facility provided a slightly different breakdown of their costs. In order to build a common analysis across jails, cost information was aggregated into major categories that were available in the data for all five jails. In some cases, line items were not perfectly matched and costs presented below are therefore not completely analogous. However, this analysis presents a reasonable picture of how costs vary by area across these selected facilities.

Exhibit 10 summarizes the average costs per inmate per day for the five jails included in this study.

Exhibit 10: Example Jail Cost per Inmate per Day

	King	Pierce	SCORE	Snohomish	Yakima
Custody staff costs per inmate per day	\$113	\$72	\$58	\$79	\$39
Average medical costs per inmate per day	\$35	\$21	\$14	\$20	\$9
Consumables (meals, supplies, etc.) per inmate per day	\$6	\$5	\$8	\$7	\$7
Other costs (facility equipment, administration, etc.) per inmate per day	\$41	\$22	\$21	\$24	\$23
SUBTOTAL OPERATING COST PER INMATE PER DAY	\$194	\$120	\$101	\$131	\$78
Debt service per inmate per day	\$-	\$6	\$38	\$1	\$10
TOTAL COST PER INMATE PER DAY	\$194	\$126	\$139	\$132	\$88

Source: Snohomish County, 2013; Pierce County, 2013; SCORE, 2015; Yakima County, 2014; King County, 2014; and BERK, 2014.

It is important to note that the average costs per inmate per day do not translate directly into daily bed rates charged by these facilities. General population daily bed rates often do not cover the full average cost, as additional fees are charged for bookings and some types of extreme medical needs/extraordinary costs. The following exhibit summarizes the bed rate agreements these facilities have in place with DOC and local jurisdictions.

Exhibit 11: Example Jail Rates per Inmate per Day

	King	Pierce	SCORE	Snohomish	Yakima
Daily bed rate for other local jurisdictions	\$125	\$92	\$90 (guaranteed bed) \$135 (non-guaranteed bed)	\$84	\$49 - \$55 (sliding scale based on ADP)
Daily bed rate contract with DOC for community violators	\$85-\$306.21	\$85	\$82.40	\$76.49	\$85
Daily bed rate contract with DOC for prison-assigned felons	N/A	N/A	N/A	N/A	\$63.99-\$64.49

Source: Snohomish County, 2013; Pierce County, 2013; SCORE, 2015; Yakima County, 2014; King County, 2014; Washington State DOC, 2014; and BERK, 2014.

Staffing and Compensation

Staffing is typically the largest portion of a jail budget. Among the five jails, staffing costs make up between 44 percent and 60 percent of the jail’s operating budget. Therefore, variations in staffing costs across jails have a significant impact on the cost of operating a jail and the bed rates that the jail must charge to cover its costs.

Exhibit 12 shows how average staffing costs per inmate per day vary for the five jails analyzed in this study. Average Cost of Custody Staff per inmate per day is calculated by dividing total custody staff costs for the year by the facility’s ADP over the same time period. As a reference, the table also includes the countywide average wage for “Justice, Public Order, and Safety Activities” employees from the U.S. Bureau of Labor Statistics. Please note that these averages represent wages paid to staff in this category by all employers located within each county, including private, local, state, and federal entities. These are not the average wages paid by the example jail facilities.

Exhibit 12: Example Jail Staffing Costs per Inmate per Day

	King	Pierce	SCORE	Snohomish	Yakima
Average Cost of Custody Staff per inmate per day	\$113	\$72	\$58	\$79	\$39
Offender : Staff Ratio (ADP/FTE); includes non-custody*	1.86	3.15	3.88	2.87	4.79
County Average Annual Wage for “Justice, Public Order and Safety Activities” (NAICS: 922) at all employers countywide	\$61,393	\$51,148	\$61,393	\$54,851	\$60,700

Note: * Yakima and SCORE do not retain in-house medical staff, affecting their ratio.
Source: Snohomish County, 2013; Pierce County, 2013; SCORE, 2015; Yakima County, 2014; King County, 2014; U.S. Bureau of Labor Statistics, 2014; and BERK, 2014.

Average Cost of Custody Staff per inmate per day varies from as low as \$39 per inmate per day in Yakima County to as high as \$113 per inmate per day in King County.

- Staffing ratios at each facility are highly correlated with the average staff cost per day, indicating that the difference in cost is driven by the *number* of staff on duty at a given time, not only by the *wages* that each staff is paid.
 - Physical plant can affect staffing efficiencies. Line of sight and other design factors can determine how many staff are required on the floor or for transport through internal corridors. Though the staff ratios reflected here include non-custody staff due to data limitations, they demonstrate how staffing efficiencies can drive costs.
- Variation in labor costs across counties also impacts staffing costs by jurisdiction, and is a key component in understanding the structural cost differences between jail facilities. The average countywide wages for this industry for all employers, as reported by the U.S. Bureau of Labor Statistics, show some of this variation.

In addition, collective bargaining agreements at specific facilities can dictate work hours, wages, vacation and sick leave, and seniority rules, all of which impact staffing costs and therefore a significant portion of total costs per inmate per day.

- Because physical layouts vary from jail to jail, there is no consistent standard for staffing ratios (By contrast, DOC has a staffing model that prescribes ratios by custody level and physical plant).
 - The 1998 Hammer settlement between King County and the American Civil Liberties Union (based on court rulings and consent decrees in 1990 and 1991) limits total capacity and strictly mandates staffing levels in all housing units in the King County Correctional Facility (but not at Maleng Regional Justice Center). It also required Jail Health Services (JHS), King County’s jail medical service provider, to achieve National Commission on Correctional Health Care (NCCHC) accreditation. At the time of settlement, less than 10 percent of jails had this accreditation.
 - King County also has an agreement to provide an escort to all maintenance workers doing repairs in the jail. These types of idiosyncratic arrangements create variation among the jails’ staffing costs.

Medical Services

Medical care is another significant cost factor for jails, and has been an increasing cost over time. The jails in this study take varying approaches to medical care. Some jails contract out all medical services, others provide a mix of in-house medical staff and contracted specialty services, and King County has an intragovernmental arrangement with Jail Health Services, a division of Public Health Seattle-King County. Exhibit 13 shows how medical service costs vary across the five jails included in this study.

Exhibit 13: Example Jail Medical Service Costs

	King	Pierce	SCORE	Snohomish	Yakima
Total Budgeted Medical Costs	\$24.3 M	\$8.7 M	\$2.0 M	\$7.8 M	\$2.3 M
Average Medical Costs per inmate per day	\$35	\$21	\$14	\$20	\$9
Type of Model	Intragovernmental	Mix	Contract	Mix	Contract

Source: Snohomish County, 2013; Pierce County, 2013; SCORE, 2015; Yakima County, 2014; King County, 2014; and BERK, 2014.

Medical costs are in flux as the implementation of the Affordable Care Act and expanded Medicaid eligibility are likely to impact the trends of rapidly increasing medical costs over the last decade.

There is a specific provision in the Affordable Care Act that states, “...an individual shall not be treated as a qualified individual, if at the time of enrollment, the individual is incarcerated, other than incarceration pending disposition of charges.” This means that individuals in jail can enroll in a plan prior to conviction (including expanded Medicaid). Medicaid does not reimburse for services provided within a jail or prison setting, but many individuals entering a jail may have medical, mental and behavioral health needs that can be addressed upon reentry to the community. This makes enrollment while in jail a key factor in connecting individuals with needed care in the community (Community Services Division, National Association of Counties, 2012).

Capital Costs and Debt Service

Recent jail construction was funded by public debt that is still outstanding. Debt service requirements are placing additional budget pressure on jurisdictions, especially on those with underutilized facilities.

Debt service costs vary greatly across the jails included in this study. At the SCORE facility, debt service comprises about 27 percent of the jail's total budget, while other counties operate debt-free. As such, indebted institutions are obligated to ensure that revenues allow them to cover both their cost of daily operations as well as their debt service costs. Exhibit 14 shows how debt service costs vary across the five jails included in this study.

Exhibit 14: Example Jail Debt Service Costs

	King	Pierce	SCORE	Snohomish	Yakima
Total Budgeted Debt Service	-	\$2.6 M	\$5.4 M	\$0.4 M	\$2.7 M
Debt Service as Share of Total Operating Budget	-	4.8%	27.1%	0.7%	11.8%
Debt Service per Designed Capacity per day	-	\$4	\$18	\$1	\$6
Debt Service per inmate per day	-	\$6	\$38	\$1	\$10

Source: Snohomish County, 2013; Pierce County, 2013; SCORE, 2015; Yakima County, 2014; King County, 2014; and BERK, 2014.

Booking Fees

The five jails included in this analysis charge a wide range of booking fees. Some counties charge booking fees to the jurisdictions for whom they are housing the inmate, while others charge booking fees directly to the inmates themselves. The table below summarizes booking fees.

Exhibit 15: Example Jail Booking Fees

	King	Pierce	SCORE	Snohomish	Yakima
Booking Fee Charged to Contracting Local Jurisdictions	\$150 (base) \$196 (if using County screeners)	\$50*	-	\$96	-
	\$95 (Seattle contract)				
Booking Fee Charged to Jail-assigned Inmates	-	-	-	-	\$50

Note: * Goes into effect in 2015. Current booking fee is \$225.

Source: Snohomish County, 2013; Pierce County, 2013; SCORE, 2015; Yakima County, 2014; King County, 2014; and BERK, 2014.

- King County.** King County's booking fee is based on whether or not the contracting jurisdiction uses the County's screeners for individuals it brings to the jail to be booked. If the jurisdiction uses the screeners, the booking fee is \$196. If they do not, the booking fee is lower at \$150. Additionally, King County's specific contract with the City of Seattle includes a reduced booking fee amount of \$95. King County does not charge any booking fees directly to inmates.

- **Pierce County.** Pierce County's booking fee is currently \$225, but will decrease to \$50 in 2015. The current rate is higher than other facilities because the County includes some portion of average inmate medical costs in its booking fee. Going forward, the booking fee will be decreased and medical services will be charged directly based on services provided. Pierce County does not charge any booking fees directly to inmates.
- **SCORE.** SCORE does not charge a booking fee to its contracting jurisdictions or to inmates directly.
- **Yakima County.** Yakima County charges a \$50 booking fee directly to inmates, and this fee becomes a debt if the inmate is unable to pay. This fee is only charged to local inmates who have been arrested in Yakima County – no state inmates at the Yakima facility are charged booking fees. Since June 2014, contracting jurisdictions are not charged any additional booking fee for inmates housed at the Yakima jail.
- **Snohomish County.** Snohomish County's current booking fee is \$96 and is charged to contracting jurisdictions. This fee is scheduled to increase to \$115 for 2015. Snohomish County does not charge a booking fee directly to inmates.

Prison Cost Summary

Average Cost Overview

The cost of housing an offender at a DOC facility varies by type of offender and by facility. Inmate costs varied in FY2013 from as low as \$58.40 at Larch Corrections Center, a stand-alone minimum security facility, to as high as \$118.40 at the Monroe Correctional Complex, a major institution with both maximum and close supervision facilities.

DOC's average offender cost per day in FY2013 was \$89.33 (weighted average). This average includes all levels of security as well as work release offenders.

Key Prison Cost Metrics

DOC uses multiple metrics to present its costs, depending on the specific need of the reporting being used at that time. These numbers appear in legislation, budget provisos, and fiscal notes, and it is important to understand what these different amounts represent.

- **Average Cost** (for a facility). The Average Cost for a facility is based on actual total facility costs divided by ADP. The average cost per inmate per day in prison includes prison staffing (custody and non-custody), health service staffing at the prison, full medical care, and all other costs for the facility to include, but not limited to, programming, vocational education, employment, education, dependency treatment, visitation, and recreation. The cost does not include DOC headquarters staffing costs.
- **Average Unit Cost.** This metric is used during legislative session to develop fiscal notes to accompany potential sentencing changes. Because legislation moves quickly, DOC uses a standard Average Unit Cost (AUC) calculation to enable a response to all questions within three days. In reality, actual cost impacts of sentencing changes would vary by type of offender and location of housing.

AUC is based on a stripped down version of a prototypical living unit that contains 256 beds and is designed to represent only the cost of opening a new unit at an existing facility, rather than the fully loaded cost of serving one offender. The current AUC used for legislative fiscal notes is about \$33 per day.

- AUC calculations are reviewed and approved each year by DOC budget staff, OFM fiscal staff, Senate fiscal staff, House fiscal staff, and WSIPP fiscal staff.
- AUC includes reasonable cost estimates of non-custody and custody staffing, consumables, utilities, and health care.

DOC estimates actual costs of impact using specific and detailed cost estimates in a “true up” before actual budget requests and proposals are put forward.

- **Direct Variable Cost.** Direct Variable Cost (DVC) is the marginal cost to add one offender to a prison facility. DVC includes raw food, food service supplies, contracted health care services, prescription and non-prescription medications, health services supplies, offender clothing, dry goods and personal hygiene items, water, sewer and garbage, inmate gratuity, and gate release.
 - The current DVC calculation is \$11.84 per day.

Billing and Tracking

The jails visited use a number of vendor provided or in-house software packages for billing and/or tracking. Several jails use [Spillman Technologies](#), an automated inmate processing software that covers booking procedures, inmate tracking, risk and medical assessment, and reporting. Several police and sheriffs offices use this software as well.

King County and Yakima County use [Looking Glass Analytics](#), a corrections specific automated data processing and reporting system. King County uses Looking Glass for DOC billings and Detention Billing Information System (DBIS) (developed in-house) for city contracts. They are considering migrating all billing to DBIS.

King County outlined the process for tracking and billing DOC inmates as follows:

All DOC inmates arrive and depart through Maleng Regional Justice Center. King County Department of Adult and Juvenile Detention notifies DOC each day of the count of DOC inmates currently housed at King County facilities. The report shows who is billable, not billable, and any offenders with special charges. The report is sent to the Violator Desk at DOC and a list of other DOC staff. DOC analyzes the report to understand and investigate spikes in their population at DAJD.

DAJD generates a billing list for DOC inmates using Looking Glass and submits that bill to DOC for review. DAJD sends the DOC approved bill to King County Accounts Receivable for invoice generation. Disputes are rare since DOC has preapproved the bill.

Challenges

DOC Rates. Several jails noted that they typically bill based on hours across days but that DOC reimburses on a per night rate, similar to a hotel. For example, if an inmate is in a jail for 12 hours on Monday and 23 hours Tuesday the jail would typically bill for two days, but DOC would pay for one night (equivalent to one day). SCORE estimated that this results in a 20 percent loss of revenue and also requires a separate, duplicative billing process and extra paperwork. Some jails noted that

there are costs associated with responding to frequent and detailed DOC billing questions and also pointed to the cap on increasing the DOC rate at 3 percent a year as a challenge.

Interoperability between data systems. Record keeping methods and software for offender classification, tracking, and health care differ between jails and between jails and the state hampering the ability of the systems to work together. Opportunities for more collaboration around information technology and systems were raised frequently as many systems are not inter-operable, requiring duplication of effort and often the transfer of physical paper records. For example, Washington courts issue a warrant in the Judicial Information System (JIS), the police enter the information in the Washington State Identification System, the jail enters it in SPILLMAN and then physical paperwork goes back to JIS.

Demand, Capacity and Utilization Analysis

This section of the report discusses demand, capacity, and utilization of jails in Washington State. Earlier sections discussed the characteristics of jails and prisons providing the context for a more detailed discussion of the jail system, which allows identification of potential alternatives for collaboration between jails and DOC.

Types of Jails

In Washington there are two types of jails:

- Jails that primarily house individuals charged with or convicted of misdemeanors
- Jails that house a mix of individuals charged with or convicted of misdemeanors and felonies

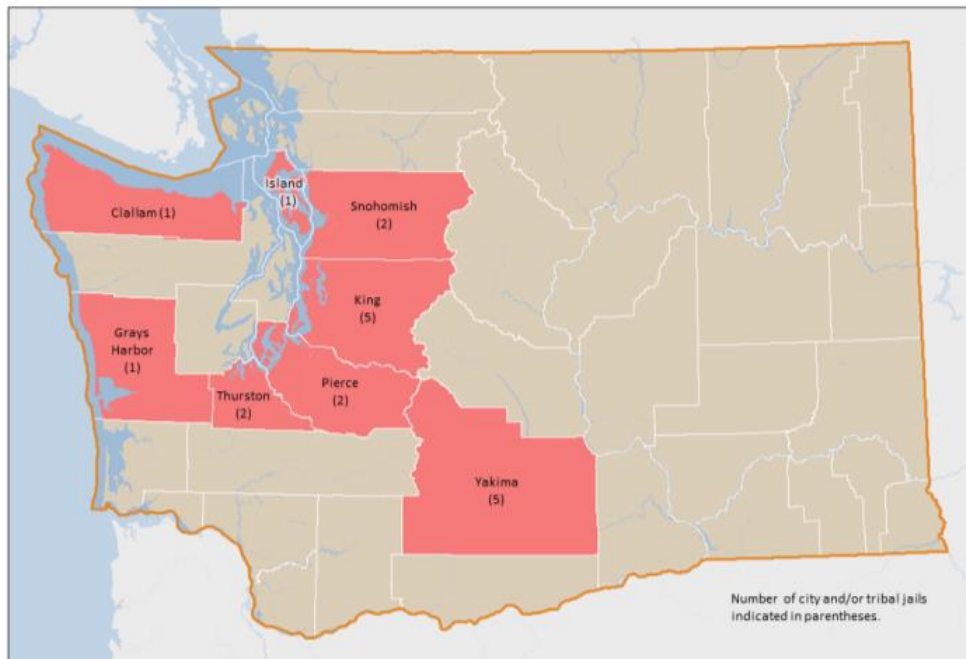
In Washington, city jails do not typically house individuals charged with felonies as they are transferred after arrest and brief holding to county jails. Jurisdictions are not required to use any particular jail and are free to make these choices according to price, negotiation, proximity to law enforcement and courts. As noted in the Financial Section, robust competition for lower cost jail beds has led to new city and tribal jails marketing their beds to multiple jurisdictions and competing with counties to fill lower security beds.

Jails have a range of bed types to match different security needs of inmates. For example, a single facility may have both individual cells to house inmates deemed to be a higher risk and group cells that house from 4-60 minimum custody level inmates together. Classification definitions and structures differ significantly between jails and prisons, i.e., a minimum custody jail inmate (which often includes individuals charged with low-level misdemeanors and other low risk behaviors) is very different from a minimum custody inmate in a prison (inmates convicted of various felonies). Some DOC inmates are not eligible for minimum custody jail housing due to felony and federal detainees or because they are untreated sex offenders.

City and Tribal Jails

As shown in Exhibit 16, city and tribal jails exist in only eight of the state's 39 counties (King, Snohomish, Pierce, Yakima, Thurston, Clallam, Grays Harbor, and Island). In those counties, cities have the option of housing their misdemeanant populations themselves, contracting with the county or tribes, providing other alternatives or using a mix of strategies to meet their misdemeanant custody needs.

Exhibit 16: Washington Counties with City or Tribal Jails



Source: BERK 2014.

Jail and Prison Population Flow

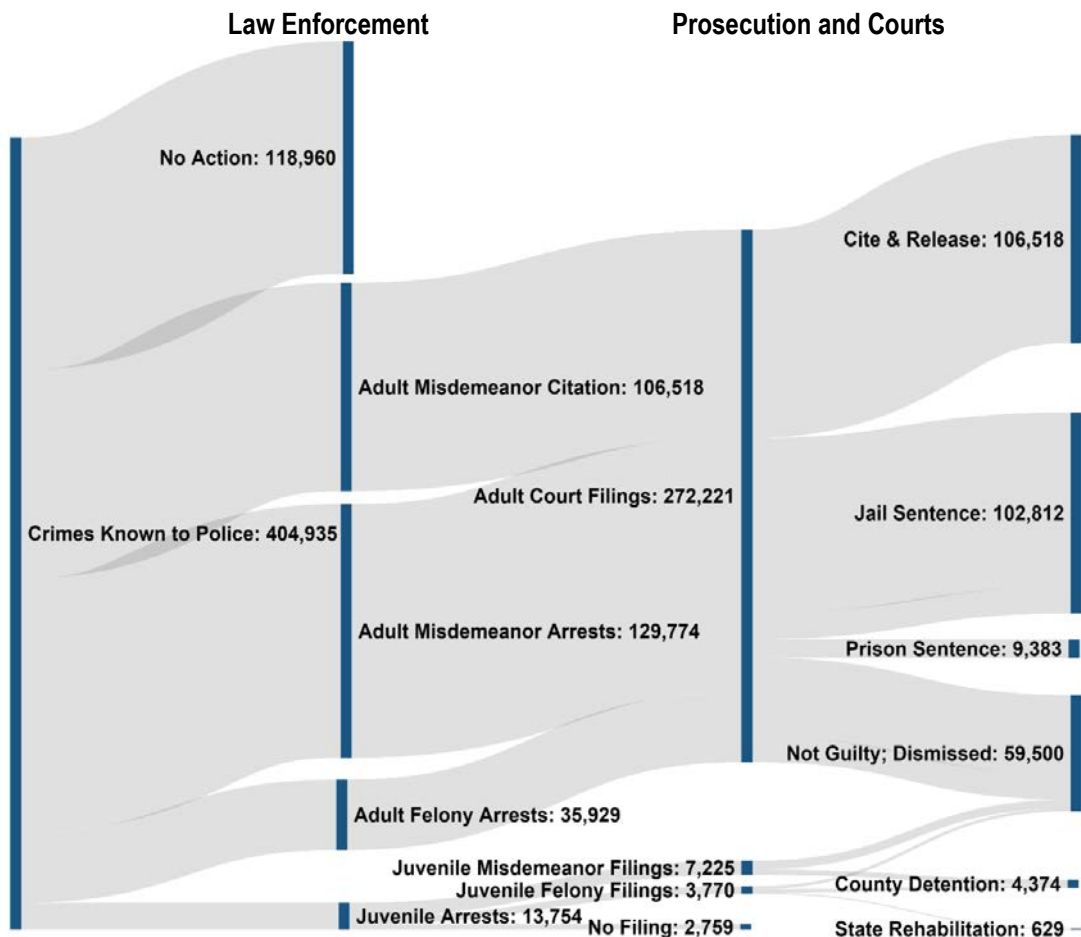
To understand the factors that affect demand for jail beds it is helpful look at the population that flows into the jail system and where it comes from. Exhibit 17 displays 2013 data from Washington crime, court, and jail statistics showing the relative sizes of the state's justice involved population from reported crime to confinement.

Of the 404,935 total crimes reported in Washington in 2013, 71 percent (285,975) were resolved by law enforcement intervention resulting in arrest, citation, and release or referral to community resources. Of the 285,975 arrests or citations by law enforcement, 37 percent received misdemeanor citations and were released, 13 percent were charged as adult felonies, 45 percent as adult misdemeanors and 5 percent as juvenile felonies or misdemeanors.

Of the total population that moved from court sentencing to confinement, 80 percent are adults sentenced to jail for misdemeanors, 12 percent are adults sentenced to jail for felonies and 8 percent are adults sentenced to prison for felonies (see Exhibit 7 for a summary of who pays for what).

Finally during 2013 a total of 29,744 confinement beds were occupied – 58 percent in prison, 29 percent in pre-sentence jail beds, and 13 percent in post-sentence jail beds.

Exhibit 17: Crimes to Sentencing Flow



Note: Drug arrests are included.

Source: Washington State Caseload Forecast Council; FBI crime reporting data; Washington State Administrative Office of the Courts data, 2013; and BERK 2014.

Jail Population Forecasting and Demand

Washington State’s Caseload Forecast Council (CFC) provides regular forecasts of the prison population. Prison inmates are one of several populations that the CFC forecasts and it is done through a workgroup process that facilitates review of and input into model assumptions. The jails have no analogous forecasting body. Individual jails are responsible for forecasting and decision-making about their jail.

The jail survey and site visits conducted for this study included the following question: Do you or a contractor project or forecast future inmate population? Of the 20 respondents, only six (King, Pierce, SCORE, Benton, Kitsap, and Thurston) noted that they produce a forecast, the rest do not. With the exception of King County, forecasts were produced by consultants usually preceding major facility construction investments. In the past, forecasting practice often assumed the future would look like the past. Forecasts projected historical jail population trends out assuming some population growth. Over time, forecasting has been refined by modeling some of the factors that affect demand such as potential changes to criminal justice policy or practice.

As noted elsewhere, jails have a high level of inmate turnover and short lengths of stay relative to prisons. This characteristic makes jail populations highly dynamic and therefore difficult to forecast.

What drives demand for jail beds?

As the entry point into the criminal justice system, demand for jail services is driven by many factors. Some examples are the volume of local criminal activity, local and state law enforcement policies, and prosecutorial policies. A summary of the key factors affecting demand for jail beds in Washington is listed below. Changes in one or more of these factors over time will affect the overall demand for beds in a jail and the demand for specific types of beds by security level.

State policy

- Definition of crimes – felony and misdemeanor
- Sentencing guidelines – sentences over one year require that the offender serve their time in prison and not jail
- Good time policy – also known as earned release time (RCW 9.94A.729) allows a sentence to be shortened for good behavior and good performance, as determined by the correctional agency having jurisdiction
- Level of use of community supervision and/or partial custody along with other alternatives to incarceration pre- and post-sentence – all result in less or no time spent in jail

Court and prosecutorial policy

- Pre-sentence confinement practice
- Sentencing practice – the plea bargain system can result in someone being charged with one level of crime and convicted of a lower level crime.
- Case processing speed – this can determine the amount of time an individual spends in jail awaiting trial

Re-offense rates

- Number of offenders on community supervision and rate of violations– state or local
- Recidivism after jail or prison
 - One year recidivism rate for offenders after release from prison was 23 percent in 2013 (Council of State Governments Justice Center, September 2014, p. 38)
 - In 2008, 57 percent of defendants booked into the Spokane County Jail on a misdemeanor charge had previously been booked into the local jail; 64 percent of defendants booked on a felony charge had previous bookings (Integrus, Bennett and Lattin, 2008, p. 8)

Composition of jail population and utilization characteristics

- Length of stay
- Ratio of inmates with misdemeanor charges to those with felony charges – for example, in Thurston County the share of inmates held on felony charges was 66 percent in 2001 and 71 percent in 2011 (MGT of America, 2012) and in Pierce County inmates held on felony charges increased from 68 percent to 81 percent between 2012 and 2013.
- Ratio of pretrial to sentenced inmates
- Number and terms of inter-local contracts
- Annual bookings and average daily population

Facility characteristics and availability of alternatives

- Availability, price, and utilization rates of partial confinement programs both pre- and post-sentence
- Demand can be broken down by and vary by bed types (security level) and inmate custody level classifications
- Availability, price and utilization rates of misdemeanor beds in alternative locations

Population characteristics of communities served by the jail

- Crime patterns, arrest and court filings rates (influenced by prosecutorial policy and law enforcement staffing levels and practices)
- Size of male 18 to 39 age population, age cohort of most inmates
- Size of the un- and under-treated mentally ill population

Bed Rates

- The bed rates (pricing) a jail charges to house offenders from other jurisdictions or from prisons can affect jail bed demand

Jail bed demand is largely driven by the misdemeanant population, a high turnover group with short lengths of stay. Exhibit 18 shows the ten most common misdemeanor charges that resulted in jail sentences statewide and the number of cases processed by the courts for each charge type in 2013. Any changes to sentencing patterns for the most common crime categories would have an impact on jail bed demand.

Exhibit 18: Ten Most Common Misdemeanor Charges with Jail Sentences by Category in Washington State, 2013

Charge	Total Charges	Share of Top 10 Charges
Driving with license suspended	20,802	29%
Theft	12,780	18%
Driving under the influence (DUI)	10,462	14%
Reckless driving	6,109	8%
Assault	5,603	8%
Negligent driving	5,350	7%
Protection/No contact order violation	4,171	6%
Disorderly conduct	2,858	4%
Trespass 2	2,416	3%
Malicious Mischief 3	2,233	3%

Source: Washington State Administrative Office of the Courts, 2014; Seattle Municipal Court, 2014; and BERK 2014.

Exhibit 19 shows the number of 2013 misdemeanor sentences by length of sentence in Washington (87.9 percent of sentences are 30 days or less).

Exhibit 19: Misdemeanor Jail Sentences by Length in Washington, 2013

Misdemeanor Sentence	Number of Sentences	Share of Total	Cumulative Share
0 days	23,975	25.7%	25.7%
1-3	23,984	25.7%	51.4%
4-7	11,852	12.7%	64.1%
8-14	9,614	10.3%	74.4%
15-30	12,555	13.5%	87.9%
31-60	5,109	5.5%	93.4%
61-90	2,463	2.6%	96.0%
91-180	2,425	2.6%	98.6%
181-270	515	0.6%	99.2%
271-365	618	0.7%	99.8%
>365 days	147	0.2%	100.0%
Total	93,257	100.0%	100.0%

Notes: 0 days include sentences where jail time is suspended or reduced to time served.

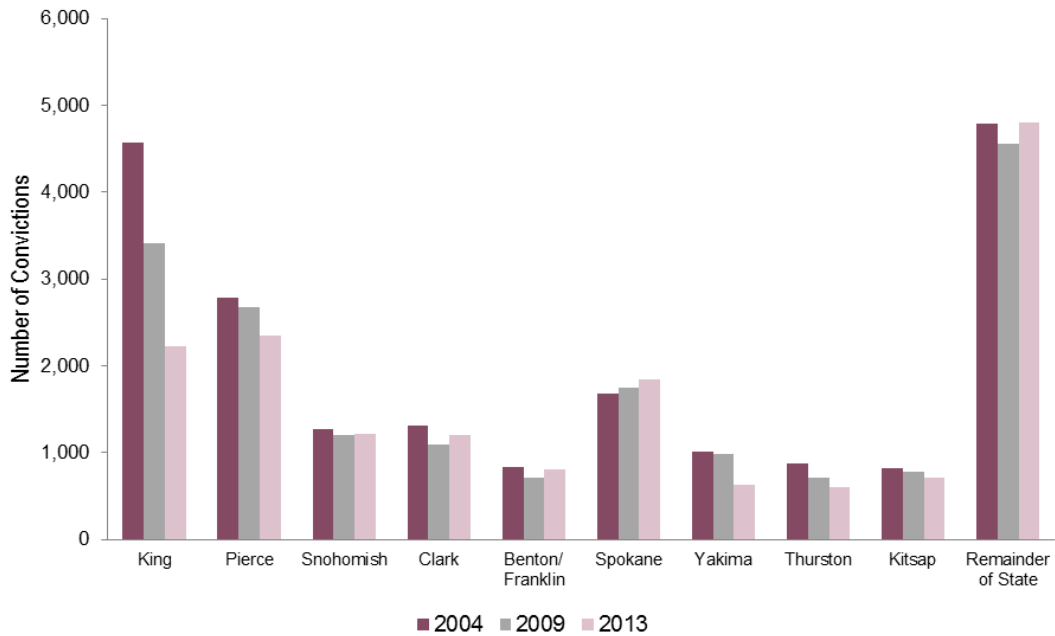
Source: Washington State Administrative Office of the Courts, 2014; City of Seattle, 2014; and BERK 2014.

Jails that were interviewed indicated that in recent years, county jail populations have shifted toward a higher proportion of felons with more complex needs. The larger proportion of inmates with higher security needs corresponds to extra capacity in minimum security beds.

Exhibit 20 shows the change over time in the number of felony convictions with a sentence to jail of one year or less by county. Numbers have decreased in most of the larger population counties, though they have increased in Spokane County, and remain the same for the remainder of the state.

While the number of felons serving their sentences in jail has fallen in most of the larger jails over the last decade, the *length of felon jail sentences has increased statewide* from an average of 3.1 months in 2004 to an average of 3.9 months in 2013, an increase of 25 percent. Most of the increase in sentence length has occurred between 2010 and 2013 (Washington State Caseload Forecast Council, 2014). Smaller county jails have been most affected by the change in sentence length, increasing the demand for bed space, since the number of convictions has remained relatively constant while sentence length has increased.

Exhibit 20: Washington Felony Convictions with a Jail Sentence, 2004 - 2013

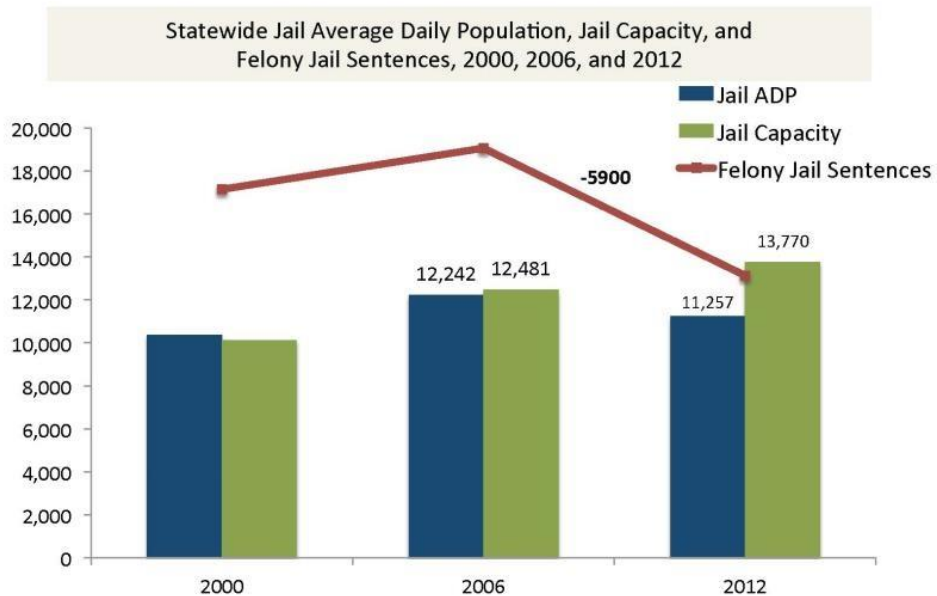


Notes: Convictions are counted based on most serious charge.

Source: Superior Court Caseload Reports, Washington State Administrative Office of the Courts.

Recent work for the Justice Reinvestment Initiative confirms this trend of declining numbers of sentences. Exhibit 21 shows that while the number of felony jail sentences has declined since 2006, jail average daily population has remained steady statewide (Council of State Governments Justice Center, June 2014, p. 36).

Exhibit 21: Jail Average Daily Population Remains Steady

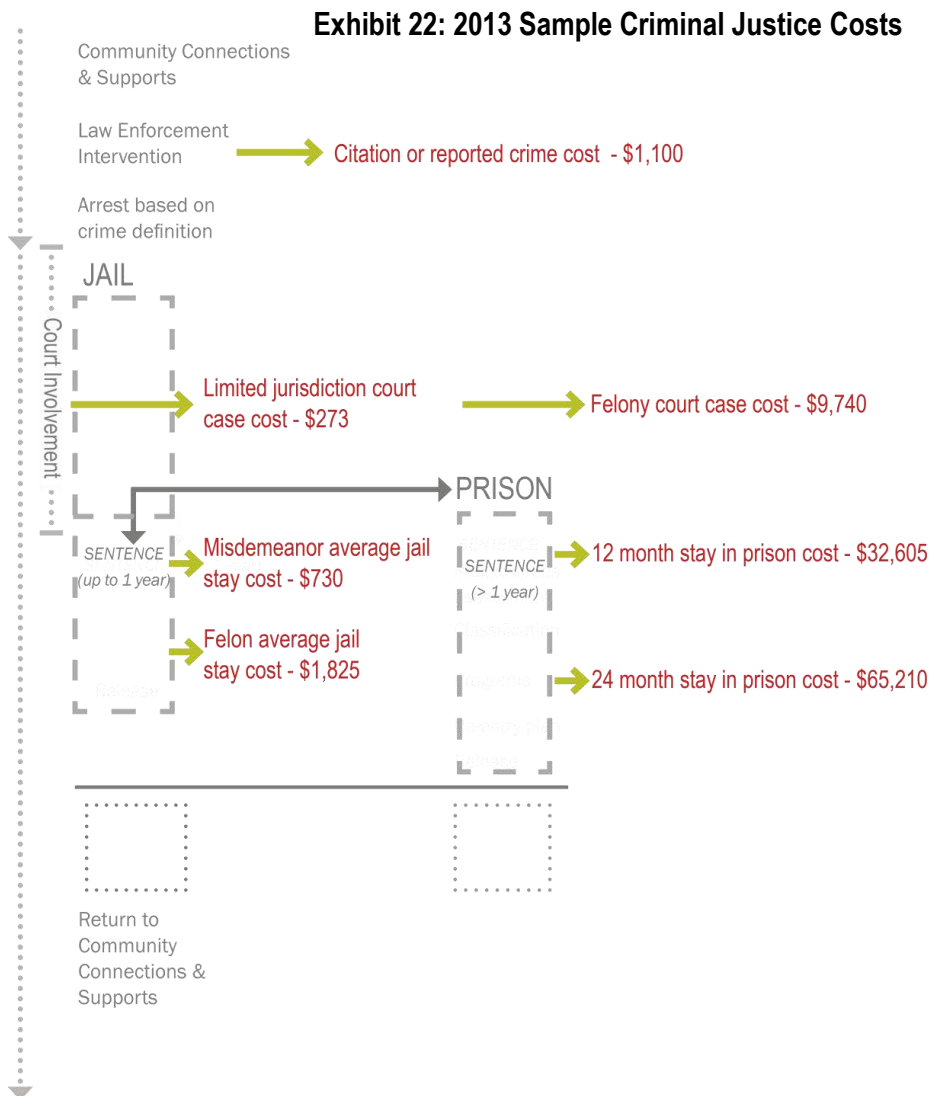


Source: Council of State Governments Justice Center, June 2014.

Demand Management

Demand management policies and programs are used across a wide variety of policy arenas to influence the aggregate demand for a “public good”, either a service or a facility, often in an effort to reduce costs. In the area of solid waste, for example, recycling and yard waste programs help lower the demand for more expensive solid waste disposal. In transportation, programs that promote transit or high occupancy vehicle lane use are often used to avoid the costs associated with adding capacity to existing highway infrastructure. In both cases, demand management is achieved through countywide or regional planning at the local level with state participation. Coordinated service systems identify, adopt, and implement joint demand management strategies to improve the performance of the system and avoid high cost investments.

In the area of corrections, demand management means using policies and programs to avoid the costs associated with the use of prison and jail beds (the decreased use of which is also correlated with reduced recidivism rates). Exhibit 22 shows some of the costs that might be avoided with a successful demand management approach at several key points in the criminal justice system, ultimately reducing the use, and therefore the costs, associated with jails and prison.

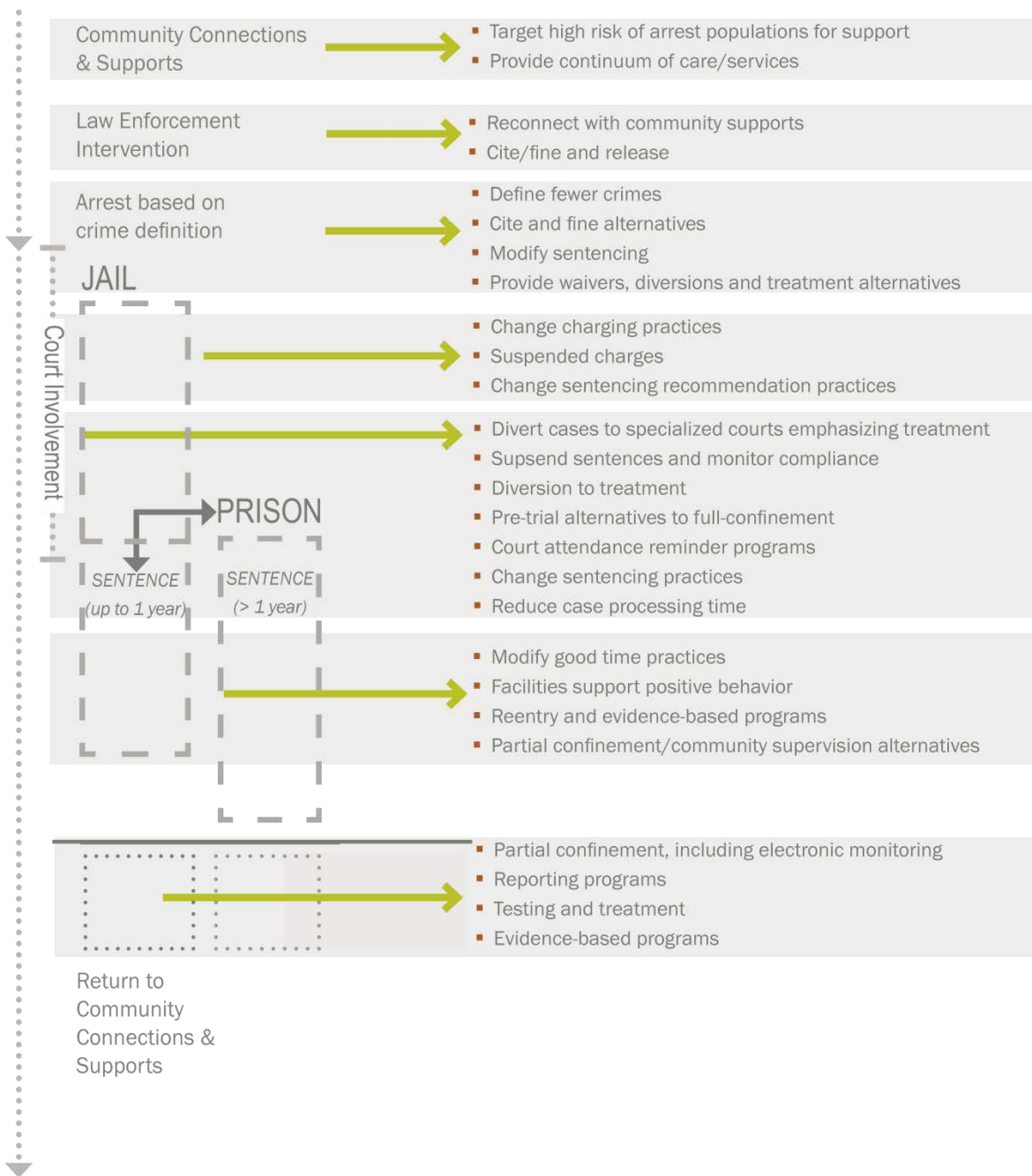


Notes: Example costs are calculated by dividing the 2013 cost of the specific service by the number of recorded incidents/cases or the average daily cost multiplied by typical stay length, whichever applied.

Source: 2013 local costs from Local Government Financial Reporting System, Office of the State Auditor; and BERK, 2014.

Demand management involves identifying and acting on opportunities for diversion of justice involved individuals at various points in the criminal justice system. While not specifically addressed in this report they are illustrated in Exhibit 23 to provide a broader understanding of the demand management opportunities available that can have an impact on the use of jail and prison beds.

Exhibit 23: Summary of Diversion Programs and Practices



Source: BERK, 2014

Jail Capacity and Utilization

There are 56 jails across Washington State operated by counties, cities, and tribal governments. To measure capacity and utilization of the largest of these facilities, we conducted surveys, interviews, and site visits. We also compiled available data about all jails from the U.S. Bureau of Justice Statistics (2013) and Washington Association of Sheriffs and Police Chiefs (WASPC).² See Appendix B for a full inventory of jails in Washington State.

Defining Capacity

For a variety of reasons, jails are typically not operated at their full design capacity and a vacancy rate is applied to determine the practical operating capacity of a jail which is in turn used for planning and operations. Vacancies result from the fact that not all inmates can be housed together due to gender, security requirements, gang affiliation, and other reasons. Units also must be closed periodically for maintenance, which reduces capacity. In addition, over time, court orders or building safety code changes may limit the number of inmates that can be housed in all or portions of a jail.

Jails may be operated above or below their design capacity. Jails operating over capacity may house inmates in makeshift dorms or on mattresses on floors in cells.

Capacity can also be measured by security level as an inmate must be housed in a cell that is equal to or greater to the security level appropriate for their custody classification. For example, a maximum custody inmate may not stay in a minimum security housing unit.

Finally there is jail capacity that is being used by a county or city for inmates for which the local government has financial responsibility, which is distinct from the capacity that is being used by contractors – cities inside the county, state, federal and other out-of-county local governments.

Capacity was reported in a number of ways by different jails in the data sources used for this report. Some jails had funding constraints while others had physical facility issues. For the purpose of this report, capacity is reported using the following definitions.

Design or operating capacity: capacity of the facility as measured by adopted standards, plus or minus capacity changes resulting from building modifications; or operating capacity which is equal to the physical capacity of the institution accounting for physical or legal limitations.

Funded capacity: the number of beds funded by the local government in their budget.

Unused capacity: jail beds that are funded and available, but not currently in use by inmates. These beds are part of operating capacity.

Unfunded capacity: jail beds for which no operating budget is available and therefore cannot be used until the budget is increased. These beds are excluded from reported operating capacity.

Unbuilt capacity: available capacity for jail expansion, such as land set aside and zoned for a jail facility, or buildings that must be refurbished before they can be used for housing inmates.

² WASPC is the primary data source for jail capacity and utilization in Washington State. As noted in Study Themes below, WASPC gathers data on funded bed capacity, but does not collect more comprehensive data on utilization trends, use of alternatives or built bed capacity that may be unfunded.

Bed Capacity and Use in Different Types of Jails

The county jail system built most of its present capacity with the help of state funding in the 1980s. These facilities have significantly aged and/or been outgrown. Without state funding, counties began to replace, expand and/or update their jails starting in the late 1990s. Most major jails have or are in the process of putting in place their capacity for the next twenty to thirty years. The various approaches have resulted in unused space, space which is not yet ready to be used, and sites that are approved for a future expansion. Many smaller county and city jails are near or over capacity using older facilities.

Exhibit 24 summarizes jail capacity and utilization by jail type. It shows that the greatest unused capacity is in county jails. City and tribal jails have a lower overall occupancy rate than county jails.

Exhibit 24: Summary of Bed Capacity and Use by Jail Type

Jail Type	Count	Total Reported Operating or Design Capacity	Total Average Daily Population	Percentage of operating capacity in use	Average Length of Stay (Days)	Total Reported Unused Capacity	Total Reported Unfunded Capacity	Total Reported Unbuilt capacity
County	37	12,477	10,890	87%	21	2,032	2,600	1,983
City/ Tribal	19	1,918	1,382	72%	10	746	90	288
All jails (total)	56	14,395	12,272	85%	20	2,778	2,690	2,271

Source: Washington Association of Sheriffs and Police Chiefs, 2013; U.S. Bureau of Justice Statistics, 2013 and BERK 2014.

Exhibit 25 summarizes bed capacity and use by size of jail facility. It shows the greatest unused and unbuilt capacity can be found in larger jail facilities.

Exhibit 26 compares occupancy rates among Washington jails to those found in jails across the nation. Washington has a lower occupancy rate among larger jails and a much higher occupancy rate among smaller jails. Overall, the occupancy rate in Washington is slightly higher than the national average.

Exhibit 25: Summary of Capacity and Use by Jail Size

Jail Size	Count	Total Reported Operating or Design Capacity	Total Average Daily Population	Percentage of design/ operating capacity in use	Average Length of Stay (Days)	Total Reported Unused Capacity	Total Reported Unfunded Capacity	Total Reported Unbuilt capacity
1000 or more	4	5,664	4,782	84%	24	882	1,750	726
500 to 999	4	3,318	2,648	80%	14	702	261	24
250 to 499	7	2,453	2,078	85%	19	535	543	1,521
100 to 249	9	1,681	1,250	75%	23	448	136	0
50 to 99	10	656	820	125%	15	106	No data	No data
Fewer than 50 inmates	22	623	694	111 %	13	105	No data	No data
Total	56	14,395	12,272	85%	20	2,778	2,690	2,271

Source: WASPC, 2013; U.S. Bureau of Justice Statistics, 2013; and BERK 2014.

Exhibit 26: Jail Occupancy in Washington State Compared to the Nation, 2013

Jail Size	National	Washington State
1000 or more	87.9%	84.4%
500 to 999	84.9%	79.8%
250 to 499	87.3%	84.7%
100 to 249	77.9%	74.4%
50 to 99	69.4%	125.0%
Fewer than 50 inmates	64.4%	111.4%
Total	83.8%	85.3%

Source: Bureau of Justice Statistics, Annual Survey of Jails 2012-2013; WASPC, 2013; and BERK 2014.

There is likely a combination of reasons for Washington’s variation from national trends, but the availability of financing and building cycles may explain a significant portion. Collections from Washington’s specialized sales taxes for corrections facilities and criminal justice related activities are allocated by law primarily to counties and are less available to cities for jail construction. Many of the state’s county jails are being replaced with local funding. With this construction cycle nearly complete for larger jails, beds that were constructed for the next 20 to 30 years of future growth are on line today. Most of the jails that have completed major additions or new facilities are larger jails in more urban counties.

Contracted Capacity

Aside from constructing and operating their own physical jails, jurisdictions access jail bed space via contracts with other jurisdictions. City contracting for misdemeanor jail services is the predominate form of inter-jail contracting. Two counties (Douglas and San Juan) do not have their own jails and contract with other counties. Cities collectively spent approximately \$67 million dollars on misdemeanor jail bed contracts in 2013 (Washington State Auditor's Office, 2013).

There are 31 counties where there are no city jails and most cities contract with their own county for jail beds.

The eight counties where one or more cities have their own jails use a variety of contracting practices. King and Yakima counties contain the most cities with jails. Among King County's 35 cities, seven south King County cities own and operate SCORE and four additional cities have their own jails. In Yakima County, five of the 14 cities have jails. Snohomish, Pierce, and Thurston each have two cities with their own jails.

Cross-county contracting began in the early 2000s as misdemeanor jail costs began to increase dramatically. Larger scale contracting emerged when Western Washington cities began organizing joint transport so that contracting with Yakima and Benton County in Eastern Washington became feasible. While much of this contracting has been replaced with options closer to home, contracting across county lines continues today. The newest county to encounter cross-county contracting is Pierce. Some current examples from the jail survey include:

- Yakima County Jail has 12 active out-of-county contract agreements, mostly with cities in King, Pierce, and Snohomish counties
- Chelan County Regional Justice Center has contracts with the City of Kirkland and Skagit County
- Okanogan County Jail has a contract with Grant County
- SCORE, a regional jail in King County, has contracts with two cities in Snohomish County

Analysis of Jail Bed Use in Lieu of Prison Beds

Local jails are designed for short-term housing of adults arrested for crimes as defined by state law. Jails are similar to hospital "emergency rooms" in that they handle individuals with all types of physical and emotional needs. Inmates come directly from the street following arrest; inmate turnover is rapid, and safety and security are the primary focus.

A jail is generally designed to minimize movement between areas within the jail, for example feeding inmates in place rather than in a cafeteria. Prisons, on the other hand, are designed to accommodate much longer stays with an array of security levels and programs. Typical prisons include features and space that supports evidence-based programming designed to reduce recidivism. Inmate turnover is much less frequent. Controlled movement between buildings and programs within a secure perimeter is the norm for a prison. The close quarters common in a jail do not support long-term healthy behavior in confinement.

Typical full confinement jails are generally not appropriate for long-term general population prison inmates and would not further the state's interest in implementing most evidence-based programming. ***The typical jail bed and prison bed are not interchangeable.***

Many jails in Washington operate both full confinement and partial confinement programs. Up to this point in the discussion, the focus has been on full confinement beds. Local partial confinement³ programs have matured over the last twenty years and include electronic home monitoring, various types of reporting, and work or education release. Partial confinement programs may house inmates in beds or other jail space during a portion of the day or restrict movement through electronic home monitoring. These programs allow inmates to participate in community based treatment, work, education or other programs required by their sentences or needs.

Many of the larger jails reported unused partial confinement capacity (See Appendix B for details). The total reported capacity of all jails includes room for up to 5,468 more inmates than currently are in the jails on an average day. The majority of this extra capacity is in larger jails in both Western and Eastern Washington. Extra capacity has two components: capacity that is funded in local budgets but not currently in use (2,778 beds) and capacity that counties are currently unable to fund (2,690 beds).

Options for the potential use of jail space for partial confinement programs by the state could include:

- State contracting at competitive rates for partial confinement jail beds coupled with state-funded community supervision for lower-level offenders
- State acquisition, through purchase or lease, of unused jail space for state-run partial confinement and reentry programming

The jail inventory included one jail facility of newer design that could potentially be re-purposed for state prison full or partial confinement use for specialized prison programs that require only limited outdoor recreation facilities. This facility suggested the option of state acquisition of unused newer jail facility space to re-purpose for specialized prison programs.

A third component of unused jail capacity is planned capacity reserved for future construction. According to the jail inventory, this unbuilt capacity could add 2,271 beds to existing jails. The majority of planned capacity takes the form of an addition to an existing newer jail that already has a central kitchen, laundry, and program and health spaces sized for larger use.

Finally, there are three counties in the process of constructing new jails. Some are still in the design phase while others are funded and under construction. These new jails were not counted as unused capacity in the jail inventory since they were not complete.

The existence of additional planned jail capacity suggests two more options which could be considered by DOC. These options would involve construction of a prison by the state for either partial or full confinement at an existing jail site. The options are:

- State acquisition, through purchase or lease, of part of a jail site planned for future capacity allowing design and construction of a collocated, state operated low-level specialized prison facility
- A partnership between the state and local government to construct a specialized facility collocated on a jail site planned for future capacity

³ Per RCW 9.94A.030 Partial confinement is defined as confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

The jail inventory identified a number of specific jails that potentially fit one or more of the jail collaboration options presented above. *The survey and inventory did not test the local government executive or legislative authority's willingness to work with the state. Pursuit of any of these options with a specific jail would need to each be evaluated further in detail for feasibility and cost effectiveness.*

Placement in a partial confinement reentry program, for example, would be the most effective for offenders who will be released into the community where they would be partially confined. State law restricts release of offenders to their "county of origin" with some limited exceptions. Specialized prison programs on the other hand, such as prison-based mental health or chemical dependency therapeutic programs, can be offered anywhere in the state since community connections are not necessarily an integral part of the program.

Prison Populations Potentially Suited for Limited Types of Jail Settings

The study explored whether there were specific groups of prison inmates who could be housed appropriately at the local level using the options identified above. The focus was on:

- Identifying groups of prison inmates large enough to be cost effective for the prison system
- Considering suitable groups of inmates that respect community concerns about public safety
- Matching inmate needs and facility characteristics in order to facilitate the use of evidence-based programs delivered by DOC
- Recognizing that general population prison beds and general population full confinement jail beds are not interchangeable

Using these considerations, stakeholders identified five groups who could potentially be housed in jails.

- Inmates with nine months or less before their earned release date who are preparing to reenter the community. This would include those who are work release eligible and those whose total time in prison is short and are located at the Shelton Reception Center
- Inmates with moderate to severe mental illness who need a secure therapeutic setting
- Inmates with diagnosed chemical dependency who need treatment
- Inmates with mobility impairments who would benefit from a smaller contained setting
- Inmates with a developmental disability who need a secure setting and specialized programs

DOC already provides some specialized programs for segments of these populations. For example, they currently run work release programs and a specialized mental health unit for the severely mentally ill. However, there are more offenders than DOC can currently serve that qualify for and would benefit from specialized programs including many inmates that are moderately mentally ill. In addition, there may be significant potential benefits from offering some evidence-based programs near an inmate's eventual county of release where community connections can be established prior to reentry.

Of the five jail collaboration options identified above several could potentially serve one or more of the identified prison populations.

Options for State Use of Available Jails	Potential Prison Population to Be Served				
	Short time to earned release date	Mental illness	Chemical dependency	Mobility impaired	Developmentally disabled
Contract jail based partial confinement beds combined with state community supervision	X				
State acquire unused jail space for state provided partial confinement/community supervision	X				
State acquire and re-purpose newer unused jail space for specialized program			X	X	X
State construct and operate a collocated specialized prison on an existing jail site sharing central services	X	X	X		
State and local partnership to construct and operate a collocated specialized facility on an existing jail site sharing central services		X	X		

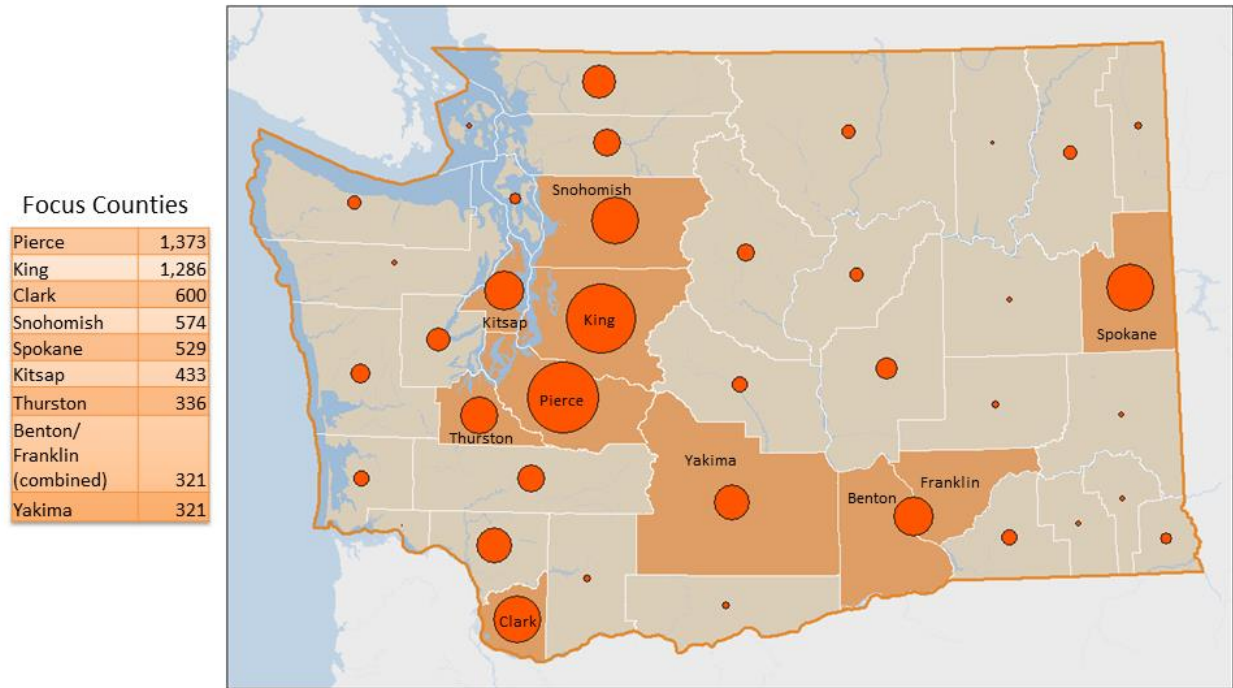
Source: BERK 2014.

The populations with the greatest potential to be served in a jail fit into three general categories. The first are prison sub-populations with specific program needs that might be able to be served for a portion of their prison sentence in a modern jail or in a jail designed for added capacity with existing oversized central facilities such as kitchen, laundry, basic health, etc. The second population group is prison-bound inmates coming from jails with short remaining prison sentences. The third are prison inmates who will soon leave the prison system and return to the community. Each of these groups will be discussed in turn.

Exhibits 27 and 28 show the total number of inmates entering prison from jails and the number released from prison by county for 2013. Since prison capacity shortages will be more cost effective to address by placing larger groups of inmates, this study focuses on the ten counties⁴ that contribute comparatively high volumes of offenders to Washington’s prisons. In addition to those entering or leaving prison, several sub-populations were identified in the prison general population regardless of county of origin or release that might have jail compatible needs.

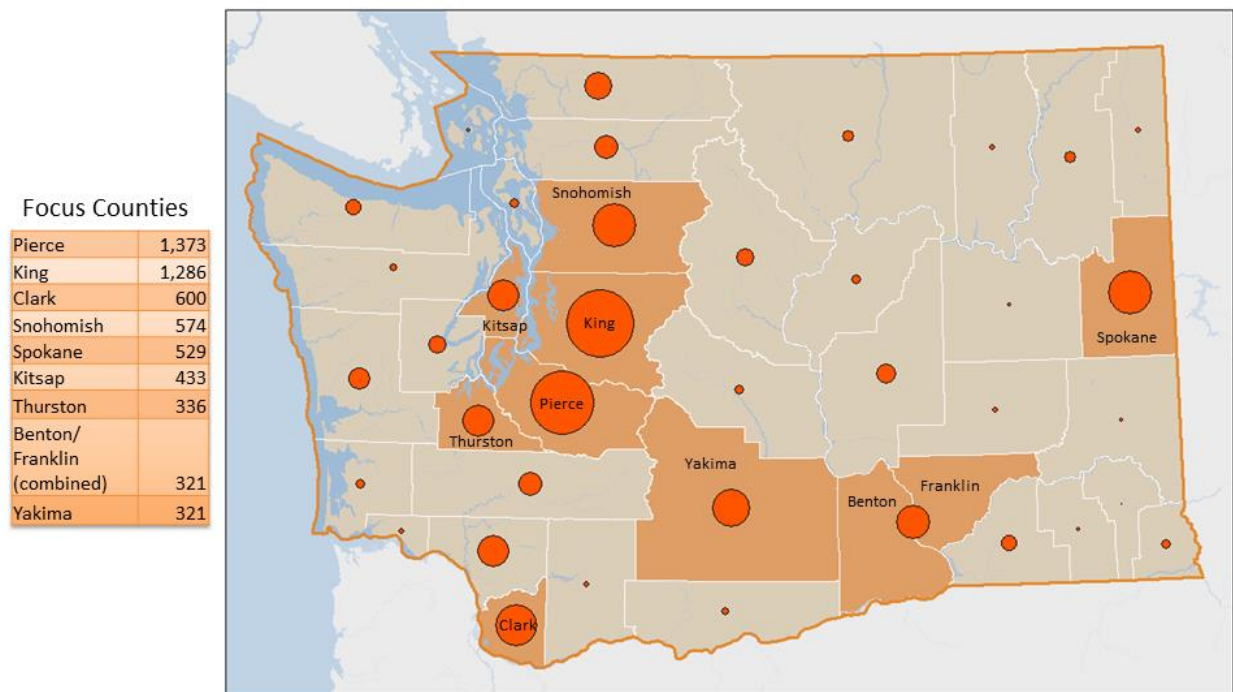
⁴ Benton and Franklin are treated as a single focus county for the purpose of this analysis, in part because their county jails are in close proximity.

Exhibit 27: Number of Felonies with a Sentence to a Prison by County, 2013



Source: Administrative Office of the Courts, 2014; and BERK, 2014.

Exhibit 28: Prison Inmate Releases by County of Release, 2013



Source: Department of Corrections, 2014; and BERK 2014.

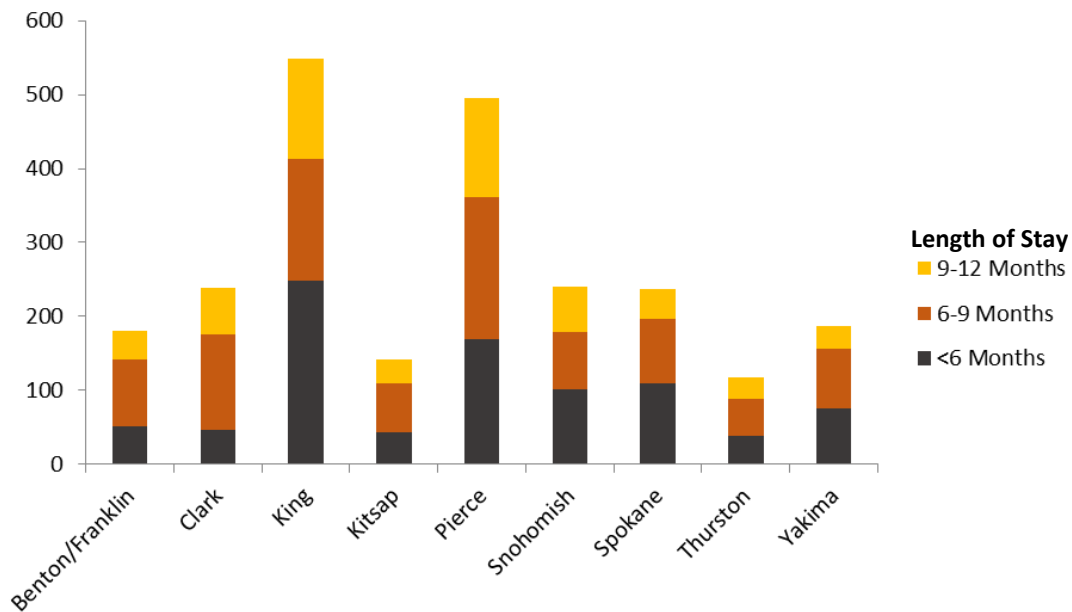
Short-stay prison population

As described earlier, an individual arrested by law enforcement may be detained in a jail while awaiting trial and sentencing. Inmates subsequently convicted with a sentence of one year or more are then sent to prison. However, inmates receive credit for time already served in jail during the court process and with good behavior in jail and prison inmates can earn further reductions of their sentence length. The result is a significant number of prison inmates whose total length of stay in a state prison is relatively short. Nationally, a few states currently contract with counties to house prison bound felons with short remaining sentences (National Association of Counties, 2010).

In 2013, 4,062 inmates were released from Washington prisons after a total length of stay of one year or less (Department of Corrections, 2014) and 1,475 of these same inmates had a total prison stay of six months or less, most of it served at the reception center in Shelton. Housing some portion of these inmates in jails instead of prison would help to address identified prison capacity shortages, particularly in reception (Criminal Justice Planning Services with KMB Design Groups, Inc., 2012). Additionally, housing these inmates in jails near their home community can offer advantages during the reentry process (see below).

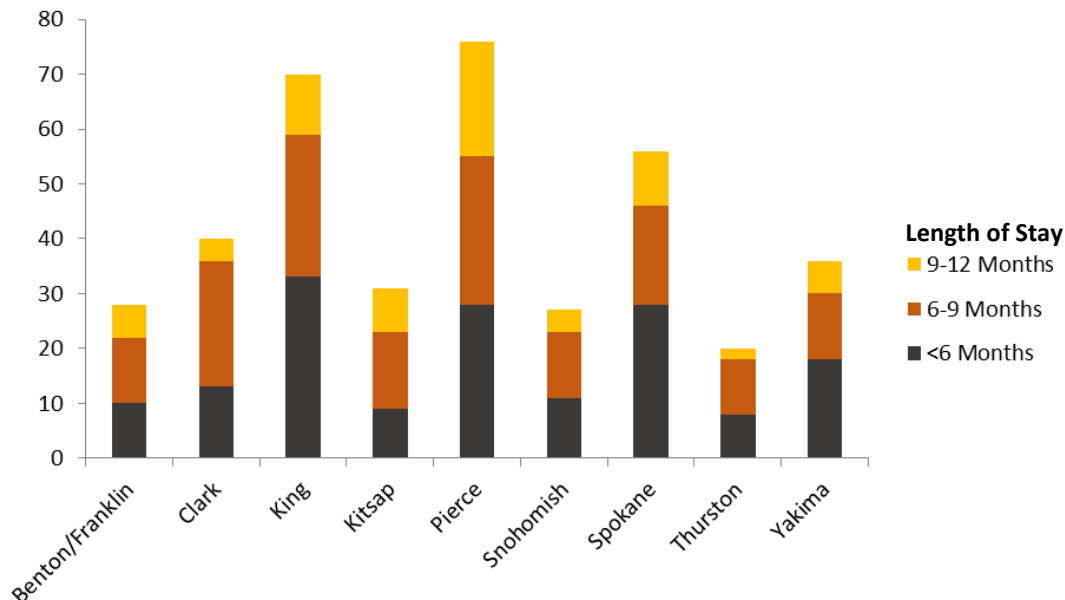
Exhibit 29 shows the number male medium and minimum custody inmates released during 2013 with a total prison stay of one year or less for the nine counties/regions of focus. Exhibit 30 shows the same data for female inmates.

Exhibit 29: Male Inmates Released from Prison during 2013 with a Total Stay of One Year or Less
(Close and Maximum Custody Inmates Excluded)



Source: Department of Corrections prison release data, 2014; and BERK, 2014.

Exhibit 30: Female Inmates Released from Prison during 2013 with a Total Stay of One Year or Less (Close and Maximum Custody Inmates Excluded)



Source: Department of Corrections prison release data, 2014; and BERK, 2014.

Inmates nearing the end of their sentence

The prison reentry population refers to inmates nearing the end of their sentence. Transferring some portion of these inmates to local jails in their home communities in advance of release could help address prison capacity shortages. It could also offer potential for augmenting reentry programming with partial custody and community supervision alternatives as inmates transition back into the community. Successful reentry has community and public safety benefits. Proximity to home communities can make it easier for inmates to reestablish pro-social connections to friends and family members. These connections may be able to provide support as the inmate reenters the community upon release. Jails may also be better suited to form collaborations with local community organizations and programs designed to support inmates through the reentry process. The jail survey found that a significant number of jails have experience with and currently operate partial confinement detention alternatives that enable work or education release and other programs that can support inmates in gaining job skill and establishing community connections and supports in their home communities.⁵

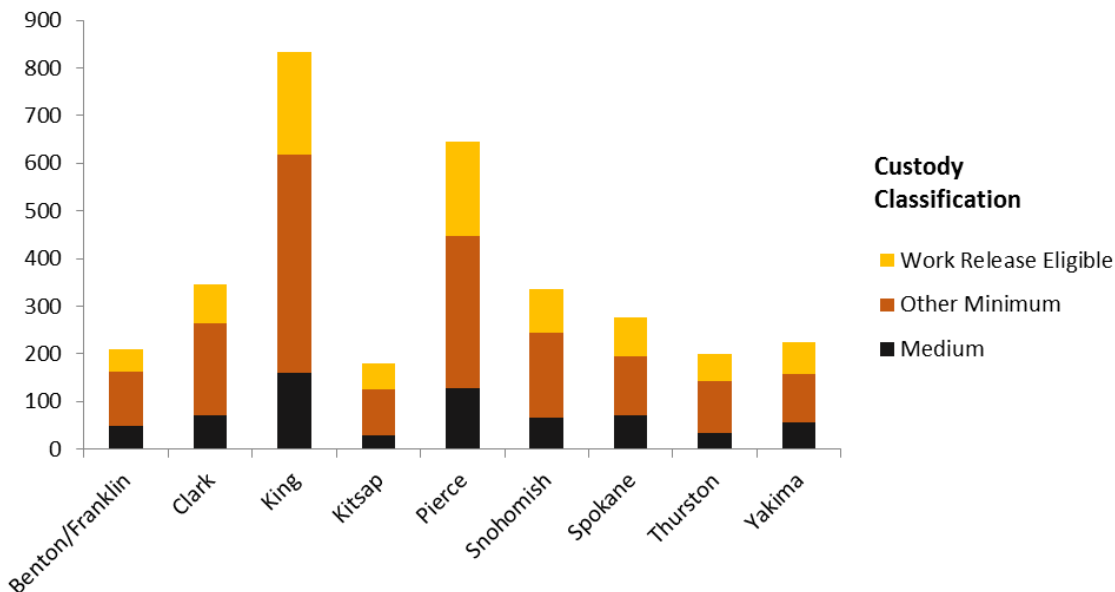
Exhibit 31 shows the current population of male medium and minimum custody prison inmates with earned release dates in nine months or less of August 31, 2014. The portion of minimum custody inmates potentially eligible for work release⁶ is also shown. Data is provided for the nine counties/regions of focus in this study. Exhibit 32 shows the same data for female inmates.

⁵ DOC already provides community supervision in local communities across the state. Expanding work release programs through collaborations with local jails would require additional state resources for community supervision.

⁶ The term “work release eligible” in this report refers to inmates with MI1 custody classification, the first screen for work release eligibility. There are several additional screening criteria that may render an offender ineligible.

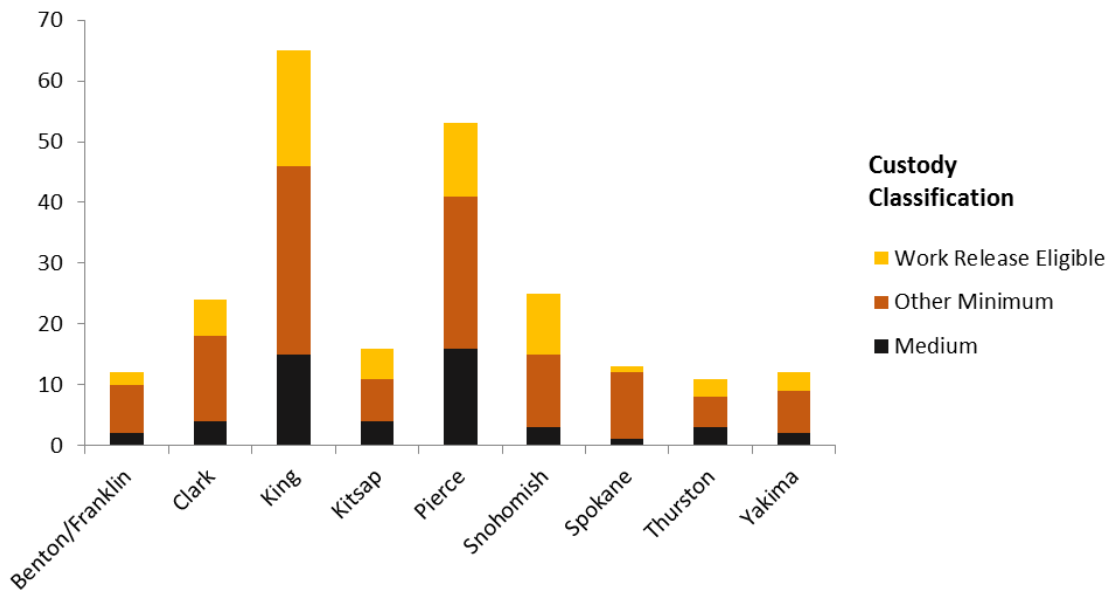
While DOC currently operates work release programs that serve some of the work release eligible population there are no locally-based programs that serve other minimum or medium custody classification inmates who are close to their earned release dates.

Exhibit 31. Current Male Medium and Minimum Custody Prison Population with Nine Months or Less Until Earned Release Date



Source: Department of Corrections prison population data, 2014; and BERK 2014.

Exhibit 32. Current Female Medium and Minimum Custody Prison Population with Nine Months or Less Until Earned Release Date



Source: Department of Corrections prison population data, 2014; and BERK 2014.

Work release eligible population

Work release as currently defined in statute is a partial confinement program available to eligible DOC-approved inmates for up to the last six months of their term of prison confinement. There are 16 state work release facilities serving approximately 670 inmates daily (Department of Corrections, 2013). According to DOC Planning and Research, 2,492 inmates were admitted to work release during FY2013 with an average length of stay of 96 days. In July 2013, DOC estimated that an additional 290 out of 800 potentially eligible prison inmates (36 percent) met all the screening criteria for work or education release in the community and are not being served by existing state programs. In that report, DOC analyzed a variety of options for expanding the work release program. Among those options is the expansion of work release through new building/contracting for work release capacity. As noted above, some jails may be suitable for housing work release offenders through collaboration with DOC.

Exhibits 31 and 32 (above) show the number of inmates by county of origin who meet the first work release eligibility screening criteria: MI1 custody classification (Work Release Eligible). There are additional screening criteria that would further reduce this eligibility pool. Plans for expanding work release facilities could be aligned with the counties of origin with the greatest number of potentially eligible inmates. This would increase opportunities for those inmates to gain work experience in their home communities.

Offenders with Mental Health Disorders

While it is difficult to determine the precise number of inmates with mental illness, best estimates are that 17 percent of the approximately 12 million admissions to U.S. jails each year are individuals with symptoms of a serious mental illness (Steadman, 2014).

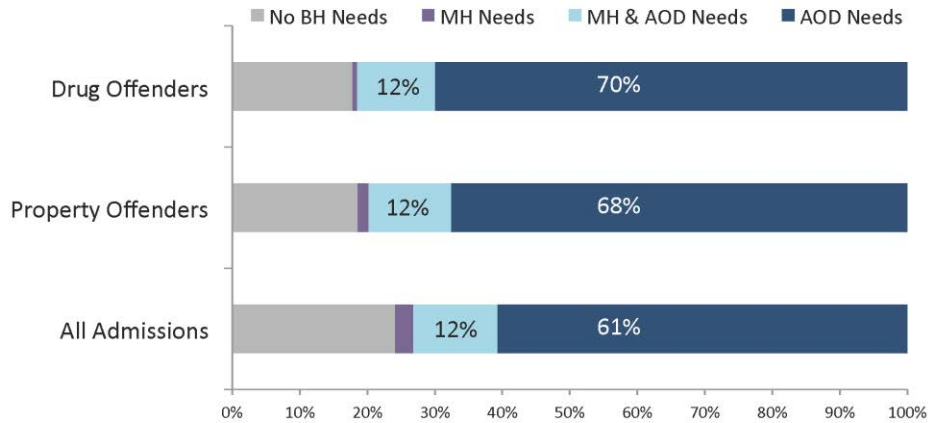
Exhibit 33 from the recent Justice Reinvestment work shows the relative prevalence of mental health, chemical dependency and co-occurring treatment needs in FY2013 prison admissions

DOC data as of Sept. 30, 2014 indicates there are 4,846 inmates out of 17,500 (27.7 percent) who require some level of mental health treatment. Of the 4,846 inmates requiring mental health services, 4,138 are male and 708 are female. *As measured during this point-in-time snapshot just under 30 percent of all inmates have mental health needs; 27 percent of male offenders and 60 percent of female offenders.* The continuum-of-treatment intensity and resource needs vary from outpatient level of care, up to more intensive residential or in-patient treatment.

Many jail managers are concerned about their ability to appropriately manage this population of inmates who present increased suicide risk, behavior management challenges for custody staff, and are more likely than others to re-offend (JLARC, 2006). Inmate deaths and assaults on jail staff associated with mental illness have been the subject of considerable media attention in recent years. Snohomish County jail, as an example, has had 13 inmate deaths over the last four years, four were reported as suicide.

A 2006 study by the Joint Legislative Audit and Review Committee (JLARC) analyzed whether there are existing facilities in Washington State that could be converted to a specialized regional jail facility to serve this population. JLARC estimated a statewide pool of approximately 500 jail inmates who might use such a facility. This kind of facility could potentially also house prison inmates with disorders who would be better served in a specialized setting.

Exhibit 33: Prevalence of Mental Health and Other Drug (AOD) Needs



**Need defined as "Moderate" or "High" on the DOC Offender Needs Assessment*

Note: FY Admissions.

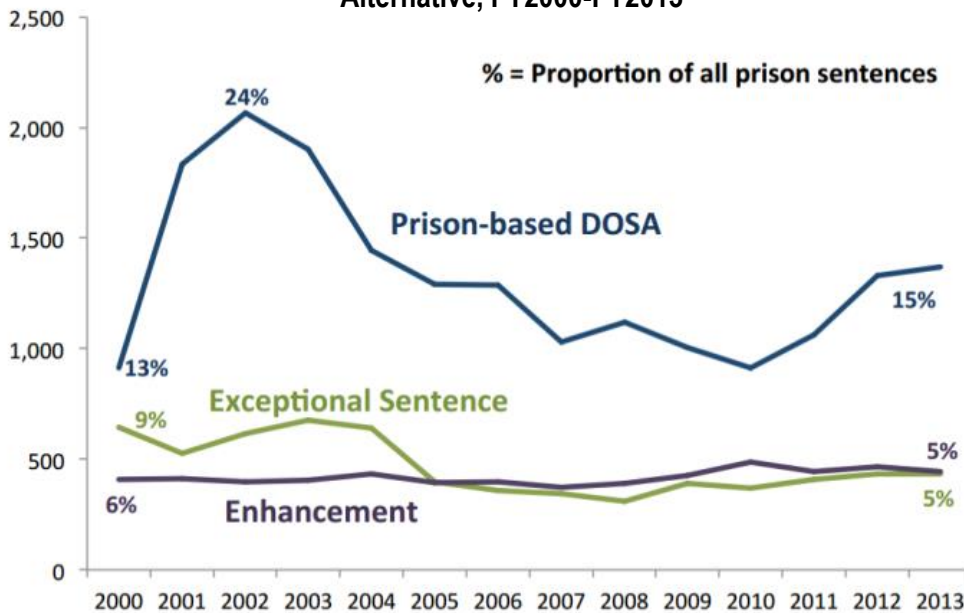
2013 Prison

Source: Council of State Governments Justice Center, September 2014, p. 31.

Offenders with Chemical Dependency Disorders

DOC prison inmate needs assessment data from 2014 indicate there are 12,538 inmates with either moderate or high need for treatment with regards to alcohol and/or drug dependency. This is 73 percent of the total inmate population. A portion of these inmates may be well served in treatment facilities or community-based programs. In recent years the number of prison-based Drug Offender Sentencing Alternative (DOSA) inmates has increased to 15 percent of all prison sentences, shown in Exhibit 34. A jail could potentially be converted to a mission-targeted therapeutic facility for serving prison-based DOSA or other chemical dependency treatment population.

Exhibit 34: Prison Sentences with Enhancements, Exceptional Sentences, or a Prison-based DOSA Alternative, FY2000-FY2013



Note: Enhancements include deadly weapon/firearm or sexual motivation.

Source: Council of State Governments Justice Center, June 2014, p. 41.

Mobility Impaired Inmates

The prison population is aging. Between FY2001 and FY2011 the number of offenders who were age 55 or above had nearly doubled and risen to 8 percent (approximately 1,400 inmates) of the total prison population (Department of Corrections, 2011). Older inmates are more likely to need expensive medical services and more likely to be victimized by other inmates, both of which result in higher costs to the prison system.

Mobility impairment is among the conditions more likely to be found in an aging prison population. An analysis of 2014 DOC data finds that 2,084 inmates (11 percent of prison population) are either limited in their ability or unable to move freely without assistance. Mobility impaired inmates may be better and more cost-effectively served in a specialized facility where limited mobility is supported by the physical facility design.

Inmates with a Developmental Disability

The DOC reception center in Shelton currently includes specialized housing and programs for inmates with a developmental disability who are housed in a single 228 bed capacity unit (Criminal Justice Planning Services with KMB Design Groups, Inc., 2012). These inmates are vulnerable to victimization by other inmates and can benefit from specialized programming to increase their success in the community upon release. This relatively new program has a waiting list of qualified inmates. These inmates may be better and more cost-effectively served in a specialized facility where their needs are supported by the physical facility design, programs, and treatment.

Analysis of the Five Potential Collaboration Options

The 2006 JLARC study evaluated the relative cost of a number of different alternatives for providing regional jails for inmates with mental health needs. At that time need was assessed for a facility that would house 500 inmates. The relative life cycle cost (capital, facility operating, and staffing costs) of regional corrections facilities was ranked from least cost to greatest cost as follows:

- a. Construct new wing of an existing jail using modern operating cost effective size and designs to minimize staffing and operating costs while taking advantage of already constructed central laundry, security, basic health, and kitchen facilities.
- b. Construct a new facility using modern operating cost effective size and designs to maximize operating and staffing efficiencies.
- c. Construct a smaller jail annex.
- d. Re-purpose an existing facility – age and adaptability of existing features influence level of cost, newer more efficient facilities that can meet programming needs will be most cost effective.

Based on the JLARC analysis some of the unused capacity identified at jails statewide was eliminated from consideration as potential collaboration sites. The eliminated options would require re-purposing of older jails to meet DOC's needs.

For the remaining unused capacity with potential to provide a collaboration alternative, further work would be required to confirm the interest of each local government and whether program and cost requirements could be accommodated at DOC's desired scale.

Below is a description of the number of inventoried jails that fit the five potential facility based collaboration options, along with a general discussion of their relative cost and the identified barriers that would need to be addressed in order to implement the option.

State contract for jail based partial confinement beds combined with state community supervision

How it would work: The state would contract for a defined number of partial confinement beds with jails where cost effective bed numbers are available. Reentry programs could be provided by DOC community supervision staff or through another community based option. State custody and community supervision staffing and programs may need to be increased in order to provide services. Community supervision programs already exist near most jails. In order to assure jail participation, the state would need to offer competitive bed rates under their contracts for partial confinement beds. The state could build on its existing contracting program for violator beds.⁷

Contracting could provide flexibility for both parties provided perceived risks were addressed during the contracting process. It is likely that local officials would wish to restrict participation in jail operated partial confinement to lower level non-violent offenders and would wish to exclude most sex offenders.

Jail Sites: There are at least fifteen larger jails that operate partial confinement programs or indicated that they have additional bed space.

Barriers: Existing state statutes limit the use of partial confinement for prison offenders. Changes would need to be made in order to maximize the effectiveness and potential use of this program to enhance evidence based prison reentry programming. Drug offenders, for example, are currently prohibited from participation in electronic home monitoring. Jail bed rates currently in state statute and DOC rate application practice would need to be revised in order to be competitive and encourage county participation.

Relative Cost: There would be no capital costs unless the expansion of state community supervision services in some communities involved additional space for staff or reentry programs. The state may have additional operating costs to administer and pay jail bed contract fees to local governments and expand community supervision services.

State acquires unused jail space for state provided partial confinement/community supervision

How it would work: This option would involve the state leasing or purchasing existing unused jail space from local governments to operate partial confinement programs with increased state resources for community supervision of offenders and reentry programs.

A detailed feasibility study and negotiations with a local government would be required for each site. Jail spaces may or may not require capital improvements and equipment. Sites would likely be limited to those counties where larger groups of offenders return each year. Five counties (Clark, King, Pierce, Snohomish, and Spokane) had 500 or more inmates return in 2013.

Jail Sites: There are five counties and one regional facility in the inventory with existing unused or contract bed space that could be acquired by the state for partial confinement in increments of 180 beds or more. Four sites are in counties with high populations of returning offenders.

Barriers: Existing state statutes limit the use of partial confinement for prison offenders. Changes would need to be made in order to maximize the effectiveness and potential use of this program to enhance evidence based prison reentry programs. Drug offenders, for example, are currently

⁷ Violators are offenders who violate the terms of their state community supervision and are returned to jail for a short period of time in their home communities.

prohibited from participation in electronic home monitoring. Jail bed rates currently in state statute and DOC rate application practice would need to be revised in order to be competitive and encourage county participation.

Relative Cost: There would likely be some capital costs at jail sites to convert unused beds to partial confinement facilities. In addition, the expansion of state community supervision services in some communities might involve additional space for staff or reentry programs. The state could have additional operating costs for facility lease or purchase, operation of partial confinement programs and expansion of community supervision services. Exchange of state community supervision and reentry programs and services for space rental payments may be a possibility at some sites that have jail based felons or misdemeanants who would qualify for and benefit from reentry programs.

State acquires newer unused jail space and re-purposes for a specialized program

How it would work: This option would involve the state leasing or purchasing existing unused jail space from local governments to re-purpose and then operating a specialized program for a specific population of offenders who would come from and return to the prison system before release to their county of origin. Newer jails would be more likely to meet DOC's needs for program, visitation, and outdoor recreation spaces necessary for a long-term inmate population.

A detailed feasibility study and negotiations with a local government would be required for each site. Facilities may or may not require capital improvements and equipment. Sites would likely be limited to those counties where a jail facility has 200 or more beds.

Jail Sites: There is one jail facility that meets these requirements.

Barriers: Matching the population to be served and the facility features would require a detailed evaluation.

Relative Cost: There would likely be some capital costs to convert an unused facility to the needs of a specific specialized program. The state could have additional operating costs for facility lease or purchase and operation of specialized programs.

State construction and operation of a collocated specialized prison facility on an existing jail site sharing central services

How it would work: This option would involve the state leasing or purchasing existing unused space adjacent to an existing newer jail that has been designed and built for expansion over time. The state could then design and build a specialized facility for a specific prison population and operate the program. The state could take advantage of the jail's central facilities like kitchen and laundry facilities to reduce total capital and operating costs.

A detailed feasibility study and negotiations with a local government would be required for each site.

Jail Sites: There were nine jail sites identified in the jail inventory that might meet these requirements. Seven are already constructed and two are being designed.

Barriers: It is likely that the host local government would wish to restrict prison use to non-violent offenders. Land use approvals that are currently in place may not readily extend to DOC's desired use. Construction would require more time to implement than some of the other options.

Relative Cost: Designing and constructing a new facility could allow the prison system to maximize cost effectiveness. Adding to an existing facility may allow sharing of central services and potentially reduce lifetime operating costs and total capital investment relative to construction of a standalone new prison facility (JLARC, 2006). The availability of multiple sites may allow DOC to

incrementally add bed space in various parts of the state. The state would have additional capital costs and operating costs for specialized programs.

State and local partnership to construct and operate a collocated specialized facility on an existing jail site sharing central services

How it would work: This option would involve a partnership between the state and local governments to lease or purchase existing unused space adjacent to an existing newer jail that has been designed and built for expansion over time. The partnership would then design and build a specialized facility for a specific population and agree on operation of the program. The partnership could take advantage of the jail's central facilities to reduce total capital and operating costs.

A detailed feasibility study and negotiations would be required for each site.

Jail Sites: There were nine jail sites identified in the jail inventory that might meet these requirements. Seven are already constructed and two are being designed.

Barriers: It is likely that the host local government would wish to restrict partnership use to non-violent offenders. Land use approvals that are currently in place may not readily extend to the partnerships intended use. Construction would require more time to implement than some of the other options.

Relative Cost: Designing and constructing a new facility could allow the prison system to maximize cost effectiveness. Adding to an existing facility may allow sharing of central services and potentially reduce lifetime operating costs and total capital investment relative to construction of a standalone new prison facility (JLARC, 2006). The state would have additional capital costs and operating costs for specialized programs.

Study Findings and Recommendations

In conducting our research and analysis, we investigated a range of topics and potential recommendations. Given the relatively short project timeline, we tried to focus our efforts on options with the greatest feasibility given the current financial and political climate. The site visits, stakeholder interviews, and the jail survey provided key input into our findings and recommendations. By visiting both jails and prisons we were able to appreciate the differences in configuration and capacity, the range of medical and mental health services available onsite, and the range of programs. Interviews with adult corrections personnel both in and out of the facilities were also important to test options and hear perspectives on current challenges.

Throughout the study a number of related issues came up that were outside the specific legislative request for this study. The list below outlines some of the issues that were raised but not considered for various reasons.

- **Changes to sentencing guidelines.** Given the Justice Reinvestment Initiative process that is underway, this was not an area of focus. In addition, we did not address “good time policy” which is an extension of the sentencing guidelines and is defined in state statute for jails and prisons.
- **Housing small groups of full confinement prison inmates in jails throughout the state.** This would not be cost effective due to the small numbers of inmates that would need to be housed at multiple sites. It also poses challenges related to access to attorneys, family visits, medical and mental health services, and reentry support for inmates not in their county of origin.
- **Longer-term stays for prison inmates in a full confinement jail bed.** Jails do not lend themselves to longer term stays due to lack of program space and programs, close quarters, and structural issues that in some cases violate standards such as the Prison Rape Elimination Act (PREA), and limited access to physical activity. The high inmate turnover can also result in a less stable environment for longer-term inmates. These conditions are likely to increase unwanted behavior rather than modify or improve behavior. Longer term housing in jails would likely increase average lengths of stay and would not facilitate reduction in recidivism rates, both of which would increase medium and longer term costs.
- **Housing offenders with specific crime categories (sex offenders, seriously violent offenders, seriously mentally ill) in local jails.** There is no community or political will to house these offenders making it unfeasible.
- **Using smaller rural jails.** The difficulties with recruiting trained staff and the lack of reentry and community-based programs make it harder to implement many evidence-based practices in most rural jails.
- **Mandating that cities use their home county jails.** While the current incentives to find the lowest cost jail provider can have a negative fiscal impact on higher cost facilities, mandating use of home county jails would not solve the underlying problems.

Study Findings

- 1. The inability of individual jurisdictions to fund local jail debt service and operating costs within existing tax authority can result in incentives to pursue contract revenue by competitively marketing jail beds.**
 - Declining general tax support is a problem for everyone in the system, jails and prisons alike.
 - Existing taxing authority does not cover the cost of local jail debt service and operating costs especially in counties.
 - Counties are making up the difference by shifting or diverting road taxes, reducing costs by closing portions of jails, and through contract jail bed revenue.
 - Cities are seeking the lowest cost misdemeanor jail beds available.
 - Counties have received more taxing authority from the state for criminal justice, mental health, and substance abuse treatment. Some counties have used this authority, while others have not.
 - Jurisdictions are acting rationally given their financial situation, but short-term costs should not be the only consideration in contracting for jail services. Promotion of effective alternatives that reduce costs and manage medium and longer term demand for higher cost felon jail and prison beds is also needed. Ineffective use of jail, i.e. detaining low risk defendants, is a factor resulting in increased medium- and long-term costs from recidivism and community disruption. In some cases, there is no incentive for a jail to reduce its population since this reduces the fees that recover costs to make up for lost tax revenues.
 - Washington's misdemeanor population is high relative to other states, but as a population they generate more revenue for jails since their housing can be relatively less costly (for example, few program expenditures) and is offset by payments from cities for booking and bed days. The cost of housing pretrial detainees charged with felony offenses is borne by the counties, while the costs associated with housing offenders who violate the terms of their community supervision is offset by DOC.
- 2. While there is informal operational coordination occurring at the staff level between jails, at the state, regional, and county levels, there is no infrastructure or mechanism to facilitate formal coordination between jails and this results in:**
 - A lack of understanding about demand, capacity, and utilization across the state.
 - Inefficient use of resources, including in some cases, increased transport costs, court processing time, and incentives to incarcerate.
 - Uneven quality of facilities, different levels of service, and different rates of adoption of demand management and evidence-based practices.
 - Overbuilding of misdemeanor beds in jails in some parts of the state.
 - A lack of therapeutic environments appropriate for inmates with a mental illness.
 - Ineffective or non-existent reentry services. National best practice models for implementing effective reentry from prison and jail to the community rely on coordinated case management to support inmate transition from prison and jails back to the community (National Institute of Corrections, 2014). Washington lacks a statewide coordinated system of reentry services.

3. Findings 1 and 2 combined produce competition in the market that is working against collaboration in many areas.

- While competition has created some innovations and collaborative efforts among jurisdictions to manage misdemeanor jail services and costs, there have been some downsides.
- Coordination and management of jail capacity at a county or regional level would prevent long-term counterproductive marketplace competition for jail bed revenues, and instead focus on the best use of limited public resources to make more effective, safe, and humane use of jails. While cost is an important factor, it is equally important to ensure that jail beds are paired with demand management strategies, services and programs designed to support inmates' transition to a law-abiding life style in the community. Operating jails simply as a business results in policy being driven by the economics of jails instead of the mission of the criminal justice system.

4. Related to Finding 2, statewide data on jail capacity and utilization are lacking.

- Currently, the Washington Association of Sheriffs and Police Chiefs, a professional association with limited resources, and the voluntary Department of Justice's National Jail Survey are the only sources of statewide jail capacity data.
- Data and analysis to support demand management practices and decision-making is extremely limited.
- Local jurisdictions have limited capacity to forecast bed demand and typically rely on outside consultants.

5. Jail and prison beds are not interchangeable.

- Jails are designed for short stays and have the potential to be effective in connecting inmates to community supports and networks in the inmate's community of origin. Due to the short length of stay, jail programs need to be part of a continuum that begins in the facility and continues when the individual returns to the community.
- Prisons not only offer more programs and have longer periods of time to work with inmates, but they must meet the evidence-based practice standards of Washington State Institute for Public Policy.
- The design and layout of most of Washington's jails creates limitations for longer stays. However, jails could be used for short stays and partial confinement. Many jails have experience with, and operate, work release and various types of partial confinement programs.
- In order to motivate jails to collaborate with DOC and to enhance their current portfolio of services and programs, reimbursement to jails would need to be established at a higher rate than was offered in the most recent RFP (\$65/day). Many jails currently receive a higher rate for simply housing DOC violators and providing limited or no programs and services, therefore contract rates would need to reflect additional operational costs. Given that the cost of delivering county detention services varies with local labor rates and other costs, rates would need to be variable to align to local costs.

- 6. More could be done to use local jail capacity for state programs that combine felon partial confinement and community supervision. These programs could provide work release and other reentry programming to support successful inmate transition back in the community.**
- Following incarceration, the use of programs such as work release or transitional housing can support the reentry of inmates back to the community. Providing intensive, individualized reentry planning and supportive transitional case management increases opportunities for a successful transition (Petersilia, 2003).
 - Neither DOC nor the jails have implemented a comprehensive reentry program that provides case planning and multi-disciplinary, collaborative reentry case management as recommended by the National Institute of Corrections (National Institute of Corrections, 2014).
 - Several other challenges would need to be addressed, including potential community opposition, concern that all inmates must originate from the county where the facilities are located, labor issues regarding how jail and DOC staff are used, and long-term contracting between jails and prisons to provide funding stability for local governments and bed availability for the state.
 - Roles and financial responsibility for supervision and reentry services, such as housing and other supports, would need to be determined as currently no agency or jurisdiction really *owns* the reentry process. There is tension between the state and local jurisdictions regarding roles and responsibility.
 - Lack of access to care in the community is a limitation for successful reentry in many communities. In some cases, mental and medical health and chemical dependency services and/or providers are limited or non-existent due to lack of funding or other limitations and in others there are very long wait times to get an appointment as an individual enrolled in Medicaid.
 - It is unlikely that there are sufficient jail beds available (right number and type) to offset the entire DOC shortage before 2020 unless there are significant revisions to the sentencing guidelines that reduce the numbers of inmates entering prisons and/or that reduce the existing prison population.
 - Classification definitions and structures differ significantly between jails and prisons, i.e., a minimum custody jail inmate (which often includes individuals charged with low level misdemeanors and other low risk behaviors) is very different from a minimum custody inmate in a prison (inmates convicted of various felonies). Some DOC inmates are not eligible for minimum custody jail housing due to felony and federal detainers, or because they are untreated sex offenders and/or local agreements preclude their placement.
- 7. Any sentencing changes that are implemented as a result of the Justice Reinvestment Initiative process could change jail use and demand. Changes are most likely to affect future prison populations and not current populations.**
- In the immediate term, changes in sentences could increase jail populations due to an increase in the number of inmates with sentences of less than a year.
 - In the medium and longer term, sentencing changes could reduce the prison population and increase partial confinement and community supervision. More reliance on community supervision may increase demand for jail beds for violators.

8. Both systems are overwhelmed by offenders with un- or under-treated mental illness that cannot be addressed until a continuum of additional mental health treatment slots are available to a wider range of the mentally ill.

- From a system point of view, jails and prisons are missing effective treatment, behavior management programs, and trained staff to work with inmates with mental illness. The seriously mentally ill have access to some services, but supply is limited and little service is available to the moderately mentally ill. At the same time, there is an incentive to use a jail bed to house inmates with mental illness because it is more accessible than a hospital bed, which potentially leads to overuse.
- Many individuals suffering from mental illness end up back in jail after decompensating (inability to manage their behavior) upon release. While some jails have established partnerships with their local mental health agencies for limited treatment slots, e.g., Yakima and Snohomish counties, many have neither partnerships in place nor staff who are trained as mental health professionals. This lack of resources leaves jails without the tools they need to manage a challenging population and can increase unintended consequences including inmate injuries and deaths, employee assaults, longer and more costly lengths of stay, and liability and risk management costs.
- In response to the needs of prison inmates, DOC has invested in a comprehensive mental health service continuum. Due to resource limitations, only a small percentage of inmates with mental illness (those identified as seriously mentally ill) receive transitional case management to effectively connect them to community-based services when they leave prison. The Offender Reentry Community Support (ORCS) program provides a model for transitioning the seriously mentally ill. Unfortunately, the bulk of mentally ill offenders leave prison without comprehensive transitional case management, leaving them unsupported upon return to the community and vulnerable to high re-offense conditions.

9. There are opportunities for jails and the prison system to partner to reduce costs:

- Developing interoperable data sharing capacity starting with health and mental health data;
- Incrementally transitioning from paper-based record sharing systems to automated methods;
- Providing jails access to the same pharmacy purchasing mechanism as DOC; and
- Coordinating use of evidence-based programs across both systems where appropriate, such as with the delivery of cognitive behavioral programs.

Recommendations

Recommendation 1: Develop a process to better understand statewide jail capacity and utilization and the impact on the prison system. The state and local governments would benefit from coordinated countywide or regional jail planning by counties and cities that is focused on demand management and implementation of evidence-based practices to reduce cost and increase community benefits from both systems.

- Countywide or regional planning should focus on demand management that effectively avoids or manages the use of the most expensive public criminal justice resources like jail and prison beds. This planning should maintain local control and shift local policy and practice toward the use of evidence-based practices that reduce recidivism.
- Responsibility for developing countywide or regional coordination plans could be assigned to existing local coordination bodies, such as the county law and justice councils or other similar entities. The state, counties, and cities have had success in the past working together to manage demand in transportation, solid waste, and water supply. One or more of these models could be used to address jail bed demand and costs, and assist jurisdictions to maintain a mission of ensuring public safety through recidivism reduction.
- While the focus on local control is important, the state should have a role in this process, given the interplay between jails and prisons. The role may simply include reviewing plans for alignment with statewide efforts or participation in the planning efforts as a stakeholder.
- Existing specialized sales and property tax authority could be made more accessible to counties and potentially help to fund these plans and related staffing capacity.
- Components of the Plans could include:
 - Jail operations and confinement practices
 - Adoption of demand management strategies
 - PREA compliance and pursuit of state or national certification for selected facilities
 - Capacity among the various jails in the region, including allowable use zoning that may be limiting reentry program opportunities
 - Continuum of care from the jail to the community
 - Level and type of service provision (there may be ways to regionally concentrate services such as medical, mental health or substance abuse treatment in particular facilities)
 - Evidence-based behavior management approaches and programs

Recommendation 2: Charge the Office of Financial Management or the Washington State Economic and Revenue Forecast Council with collecting more comprehensive data to support the ability of the state, counties, and regions to conduct analysis and undertake planning processes.

- Gather consistent data about jails: funding, cost drivers, demand drivers, capacity, and utilization.

Recommendation 3: Address the current prison bed shortage with a mix of strategies. Based on our work for this study, we reached the following overall conclusions:

- Any jail bed related strategy will require sufficient volume (number of beds) and time commitment (at least a 10 year commitment to the use of space) to be cost effective.
- A mix of strategies could be more expensive in the short-term than building a single new facility with 1,000 beds, but may be more cost effective in the long-term if alternatives to full confinement incarceration are used and efforts to reduce recidivism are successful.
- Any option will take time to implement. It may be prudent to continue to pursue new bed construction pre-design and design work in the event new space is needed. In other words, parallel solutions should be considered.

Further details on potential options available in the jail system for implementing Recommendations 4 and 5 can be found in the Demand, Utilization and Capacity Section of this report and in Appendices B and C.

Recommendation 4: Consider investing in treatment and/or reentry collaborations between jails and prisons. This would build on successful state investments that have been made in programs and alternatives to confinement in the juvenile system that resulted in marked and continuous reduction in the number of juveniles incarcerated over the last decade.

Recommendation 5: Conduct a more detailed evaluation of increasing prison capacity via collaboration between DOC and jails through one or more of the following options:

- **5A. Reentry/transition centers:** Counties with the highest number of prison inmates returning to their county would be the best candidates for collaborative reentry programs. Reentry programs may or may not include state contracted partial confinement in the jails. DOC or other providers could provide community supervision. Partial confinement would allow for release during the day for employment, vocational training, or education and inmates could be housed in a separate pod or wing of a jail or in a residential work release center.
 - Jails and work release centers have the advantage of being located within the community to which the inmate is returning and may be able to more effectively connect the returning inmate with community supports and services. All program and service delivery should consider both evidence-based practices and statutory requirements, such as release planning, notification etc. DOC staff working in the Community Corrections Division and the Community Justice Centers have extensive knowledge and expertise in the training and management of offenders at the community level that can serve jails and other community partners.
 - In order to fully implement re-entry/transition centers the Sentencing Reform Act would need to be amended. This could also include utilizing GPS monitoring technologies as part of the required release conditions for low risk offenders and as a step-down from community residential placement for mid-to high-risk offenders.
- **5B. Therapeutic facility:** Consider development of a mission-targeted therapeutic facility for drug offender sentencing alternative (DOSA) or those with mental illness. The

Legislature should look again at the recommendations contained in JLARC's 2006 report "Analysis of Establishing a Regional Jail Facility for Offenders with Mental Health or Co-Occurring Mental and Chemical Dependency Disorders, Report 06-2."

- **5C. Short sentences:** Prison bound inmates with shorter times remaining on their sentences (e.g., less than six months following sentencing after reductions for time served) would remain at their county jail rather than transfer to the prison reception center for brief processing and subsequent release. Funding for housing and related program and service delivery would need to be allocated to counties for this additional population.

Recommendation 6: Increase resources for both jails and prisons to support the mentally ill.

- Expand ORCS to provide comprehensive reentry support to more inmates with mental illness who are currently returning to their communities with little or no support.
- Jointly funded specialized housing for mentally ill offenders would benefit both jails and prisons, and should include staffing by mental health professionals and a continuum of treatment options in a therapeutic milieu. A specialized facility and its staff might also be more successful in stabilizing inmates with mental illness in preparation for court appearances, decreasing delays in case processing, and preparing them for reentry to the community.

Recommendation 7: Consider statutory changes designed to foster increased collaboration between jails — and between jails and DOC — with the goal of decreased bed demand. While the JRI process might result in some related changes, additional considerations include:

- Statutes that prohibit drug offenders from participating in any partial confinement or supervision program that uses electronic monitoring.
- Statutes that restrict felons convicted of certain crimes who are classified as minimum or work release from participating in partial confinement and supervision as a transition out of prison.
- Statutes to encourage consistent drug formulary and to allow jails to purchase medications through the same purchasing mechanism used by DOC.
- Statutes that regulate state bed rates to increase jails' motivation to collaborate and deliver high quality, evidence-based programs and services.
- Statutes around access to data and data sharing between jails and between jails and the prison system.

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Appendix A. Key Statutory Definitions

RCW 9.94A.030

(28) "**Home detention**" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(35) "**Partial confinement**" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(55) "**Work crew**" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(57) "**Work release**" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Appendix B. Inventory of Jails

County Jail	Reported Design or Operating Capacity	Average Daily Population (ADP)	Able to House Males	Able to House Females	Percent in Use	Average Length of Stay (Days)	Average Daily Bed Rate	Reported Unused Capacity	Reported Unfunded Capacity	Reported Unbuilt capacity	Partial Confinement Program	Source of Data
King ⁸	2,268	1,792	Yes	Yes	79%	22	\$125.00	476	931	256	Yes	Site visit and staff interviews; King County Department of Adult and Juvenile Detention 2014
Pierce ⁹	1,212	1,101	Yes	Yes	91%	24	\$92.00	111	519	70	No	Email correspondence with Sgt. Johnson; WASPC
Snohomish ¹⁰	1,196	1,170	Yes	Yes	98%	22	\$84	26	0	0	Yes	BERK Survey and Jail website
Yakima ¹¹	988	719	Yes	Yes	73%	29	\$48.75 - 54.75	269	300	400	Yes	Site visit and interviews
Spokane ¹²	895	927	Yes	Yes	104%	16		0	261	0	Yes	U.S. Bureau of Justice Statistics 2013; BERK Survey.
Clark ¹³	837	720	Yes	Yes	86%	16	\$77.92	117	0	0	Yes	BERK Survey
Benton ¹⁴	784	566	Yes	Yes	72%	14	\$68.00	218	0	24	Yes	BERK Survey
Kitsap	433	427	Yes	Yes	99%	19	\$83.53	6	58	0	Yes	BERK Survey
Thurston ¹⁵	408	451	Yes	Yes	111%	22	\$54.44	0	0	0	Yes	MGT 2012; BERK Survey.

⁸ King: Unbuilt capacity is at Maleng Regional Justice Center property. West Wing of downtown Seattle jail with 370 beds is unfunded prior work release facility.

⁹ Pierce: Unbuilt capacity is the 4th floor of Correction Center designed for 70 beds plus significant program space.

¹⁰ Snohomish: 122 beds are currently under contract to DOC.

¹¹ Yakima: Unbuilt capacity is potential addition to Yakima Corrections Center on existing property.

¹² Spokane: Unused capacity at Gieger facility (261) is not assumed to be available since building is being torn down for airport expansion.

¹³ Clark: Existing facility is designated for additions.

¹⁴ Benton: Unbuilt capacity refers to a mental health addition of 24 beds in design stage.

¹⁵ Thurston: Unused capacity is a new jail that is not yet occupied. The new jail is designed for additions on existing county land.

OFFICE OF FINANCIAL MANAGEMENT
ANALYSIS OF STATEWIDE ADULT CORRECTIONAL NEEDS AND COSTS

County Jail	Reported Design or Operating Capacity	Average Daily Population (ADP)	Able to House Males	Able to House Females	Percent in Use	Average Length of Stay (Days)	Average Daily Bed Rate	Reported Unused Capacity	Reported Unfunded Capacity	Reported Unbuilt capacity	Partial Confinement Program	Source of Data
Cowlitz ¹⁶	356	277	Yes	Yes	78%	16	\$69.63	79	200	712	Yes	Jail website
Lewis	356	203	Yes	Yes	57%	17	\$51.73	153	153	0	Yes	BERK Survey
Franklin	334	196	Yes	Yes	59%	13	\$56.72	138			Yes	Jail website and Folsom 2014
Chelan County Regional Justice Center	314	241	Yes	Yes	77%	16	\$70.00	73	42	0	Yes	BERK Survey and Interview
Whatcom ¹⁷	298	415	Yes	Yes	139%	25	\$79.00	0	0	521	Yes	Jail website
Grant	285	209	Yes	Yes	73%	21	\$64.00	76	0	0	No	BERK Survey
Kittitas	235	99	Yes	Yes	42%	8	\$55.00	136	136	0	No	BERK Survey
Okanogan	183	173	Yes	Yes	95%	16	\$53.50	10	0	0	No	BERK Survey
Grays Harbor	179	137	Yes	Yes	77%	94	\$65.00	42	0	0	No	BERK Survey
Walla Walla	115	88	Yes	Yes	77%	7	\$67.00	27				WASPC
Mason	104	116	Yes	Yes	112%	19	\$81.15	0				WASPC
Clallam	120	125	Yes	Yes	104%	14	\$75.00	0	0	0		BERK Survey; WASPC
Skagit ¹⁸	83	269	Yes	Yes	324%	22	\$72.00	0				WASPC
Island	58	61	Yes	Yes	105%	13	\$98.00	0				WASPC
Ferry	52	33	Yes	Yes	63%	17	\$48.00	19				WASPC
Jefferson	49	45	Yes	Yes	92%	17	\$69.50	4				WASPC

¹⁶ Cowlitz: 200 bed unfunded facility was previously used for work release. Cowlitz jail is designed for additions.

¹⁷ Whatcom: County is in the process of constructing a new jail, reflected here in unbuilt capacity.

¹⁸ Skagit: Voters have approved a 400 bed new jail which is being designed for additions of up to 400 more beds.

OFFICE OF FINANCIAL MANAGEMENT
ANALYSIS OF STATEWIDE ADULT CORRECTIONAL NEEDS AND COSTS

County Jail	Reported Design or Operating Capacity	Average Daily Population (ADP)	Able to House Males	Able to House Females	Percent in Use	Average Length of Stay (Days)	Average Daily Bed Rate	Reported Unused Capacity	Reported Unfunded Capacity	Reported Unbuilt capacity	Partial Confinement Program	Source of Data
Klickitat	49	37	Yes	Yes	76%	24	\$62.00	12				WASPC
Skamania	47	31	Yes	Yes	66%	13	\$60.00	16				WASPC
Stevens	40	41	Yes	Yes	103%	14	\$72.00	0				WASPC
Whitman	34	38	Yes	Yes	112%	13		0				WASPC
Pend Oreille	31	28	Yes	Yes	90%	17	\$75.00	3				WASPC
Pacific	29	44	Yes	Yes	152%	15	\$65.00	0				WASPC
Adams	28	19	Yes	Yes	68%	15	\$63.00	9				WASPC
Asotin	23	50	Yes	Yes	217%	15	\$60.00	0				WASPC
Garfield	16	8	Yes	Yes	50%	13	\$45.00	8				WASPC
Lincoln	16	16	Yes	Yes	100%	10	\$60.00	0				WASPC
Wahkiakum	14	10	Yes	Yes	71%	24	\$73.00	4				WASPC
Columbia	8	8	Yes	Yes	100%	19	\$45.00	0				WASPC
All County Jails	12,477	10,890			87%	21	\$67.70	2,032	2,600	1,983		

OFFICE OF FINANCIAL MANAGEMENT
ANALYSIS OF STATEWIDE ADULT CORRECTIONAL NEEDS AND COSTS

City and Tribal Jails	Reported Design or Operating Capacity	Average Daily Population (ADP)	Able to House Males	Able to House Females	Percentage in Use	Average Length of Stay (Days)	Average Daily Bed Rate	Reported Unused Capacity	Reported Unfunded Capacity	Reported Unbuilt capacity	Partial Confinement Program	Source of Data
SCORE South Correctional Entity ¹⁹	802	435	Yes	Yes	54%	10	\$90 - \$135	367	0	0	No	Site visit and staff interviews;
Nisqually ²⁰	288	64			22%			224	90	288		Jail website.
Kent	126	107	Yes	Yes	85%	10	\$92.00	19	0	0	Yes	BERK Survey
Sunnyside	81	53	Yes	Yes	65%	11	\$51.55	28				WASPC
Yakima	79	72	Yes	Yes	91%	13	\$59.00	7				WASPC
Wapato	76	63	Yes	Yes	83%	18	\$45.00	13				WASPC
Issaquah	62	57	Yes	Yes	92%	11	\$90.00	5				WASPC
Marysville	57	138	Yes	Yes	242%	11	\$62.73	0				WASPC
Toppenish	56	25	Yes	Yes	45%	11	\$55.00	31				WASPC
Puyallup	52	49	Yes	Yes	94%	4	\$65.00	3				WASPC
Lynnwood	46	40	Yes	Yes	87%	8	\$65.00	6				WASPC
Forks	40	29	Yes	Yes	73%	24	\$45.00	11				WASPC
Fife	36	137	Yes	Yes	381%	8	\$65.00	0				WASPC
Olympia	28	56	Yes	Yes	200%	12	\$0.00	0				WASPC
Enumclaw	25	17	Yes	Yes	68%	9	\$60.00	8				WASPC
Aberdeen	21	19	Yes	Yes	90%	5	\$51.00	2				WASPC

¹⁹ SCORE: Unused capacity excludes unused contract commitments, SCORE has space for an addition on its existing site.

²⁰ Nisqually: 90-bed older jail is proposed for re-purposing as juvenile facility. New jail facility was built to accommodate an addition on same site.

OFFICE OF FINANCIAL MANAGEMENT
ANALYSIS OF STATEWIDE ADULT CORRECTIONAL NEEDS AND COSTS

City and Tribal Jails	Reported Design or Operating Capacity	Average Daily Population (ADP)	Able to House Males	Able to House Females	Percentage in Use	Average Length of Stay (Days)	Average Daily Bed Rate	Reported Unused Capacity	Reported Unfunded Capacity	Reported Unbuilt capacity	Partial Confinement Program	Source of Data
Grandview	16	10	Yes	Yes	63%	5		6				WASPC
Oak Harbor	15	0			0%			15				WASPC
Kirkland	12	11			92%	2	\$80.00	1				WASPC
Total	1,918	1,382			72%	10	\$62.42	746	90	288		

Appendix C. Potential Use of Jail Space

Many jails in Washington operate both full confinement and partial confinement programs. Up to this point in the discussion, the focus has been on full confinement beds. Local partial confinement²¹ programs have matured over the last twenty years and include electronic home monitoring, various types of reporting, and work or education release. Partial confinement programs may house inmates in beds or other jail space during a portion of the day or restrict movement through electronic home monitoring. These programs allow inmates to participate in community based treatment, work, education or other programs required by their sentences or needs.

Many of the larger jails reported unused partial confinement capacity (See Appendix B for details). The total reported capacity of all jails includes room for up to 5,468 more inmates than currently in the jails on an average day. The majority of this extra capacity is in larger jails in both western and eastern Washington. Extra capacity has two components: capacity that is funded in local budgets but not currently in use (2,778 beds) and capacity that counties are currently unable to fund (2,690 beds).

Options for potential use of jail space for partial confinement programs by the state could include:

- State contracting at competitive rates for partial confinement jail beds coupled with state-funded community supervision for lower-level offenders
- State acquisition, through purchase or lease, of unused jail space for state-run partial confinement and reentry programming

The jail inventory included one jail facility of newer design that could potentially be re-purposed for state prison full or partial confinement use for specialized prison programs that require only limited outdoor recreation facilities. This facility suggested the option of state acquisition of unused newer jail facility space to re-purpose for specialized prison programs.

A third component of unused jail capacity is planned capacity reserved for future construction. According to the jail inventory, this unbuilt capacity could add 2,271 beds to existing jails. The majority of planned capacity takes the form of an addition to an existing newer jail which already has a central kitchen, laundry, program and health facilities sized for larger use.

Finally there are three counties that are in the process of constructing new jails. Some are still in the design phase while others are funded and under construction. These new jails were not counted as unused capacity in the jail inventory since they were not complete.

The existence of additional planned jail capacity suggests two more options that could be considered by DOC. These options would involve construction of a prison by the state for either partial or full confinement at an existing jail site. The options are:

- State acquisition, through purchase or lease, of part of a jail site planned for future capacity allowing design and construction of a collocated, state-operated low-level specialized prison facility
- A partnership between state and local government to construct a specialized facility collocated on a jail site planned for future capacity

²¹ Per RCW 9.94A.030 Partial confinement is defined as confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

The jail inventory identified a number of specific jails that potentially fit one or more of the jail collaboration options presented above. *The survey and inventory did not test the local government executive or legislative authority's willingness to work with the state. Pursuit of any of these options with a specific jail would need to each be evaluated further in detail for feasibility and cost effectiveness.*

What prison populations might be suited for a jail setting?

The study explored whether there were specific groups of prison inmates who could be housed appropriately at the local level using the options identified above. Using these considerations stakeholders identified five groups who could potentially be housed in jails.

- Inmates with nine months or less before their earned release date who are preparing to reenter the community. This would include those who are work release eligible and those whose total time in prison is short and are located at the Shelton Reception Center
- Inmates with diagnosed chemical dependency who need treatment
- Inmates with mobility impairments who would benefit from a smaller contained setting
- Inmates with a development disability who need a secure setting and specialized programs
- Inmates with moderate to severe mental illness who need a secure therapeutic setting

DOC already provides some specialized programs for segments of these populations. For example, they currently run work release programs and a specialized mental health unit for the severely mentally ill. However, there are more offenders than DOC can currently serve that qualify for and would benefit from specialized programs including many inmates that are moderately mentally ill. In addition, there may be significant potential benefits from offering some evidence-based programs near an inmate's eventual county of release where community connections can be established prior to reentry.

Of the five jail collaboration options identified above several could potentially serve one or more of the identified prison populations.

State contract for jail based partial confinement beds combined with state community supervision

How it would work: The state would contract for a defined number of partial confinement beds with jails where cost effective bed numbers are available. Reentry programs could be provided by DOC community supervision staff or through another community based option. State custody and community supervision staffing and programs may need to be increased in order to provide services. Community supervision programs already exist near most jails. In order to assure jail participation, the state would need to offer competitive bed rates under their contracts for partial confinement beds. The state could build on its existing contracting program for violator beds.²²

Contracting could provide flexibility for both parties, provided perceived risks were addressed during the contracting process. It is likely that local officials would wish to restrict participation in jail operated partial confinement to lower level non-violent offenders and would wish to exclude most sex offenders.

²² Violators are offenders who violate the terms of their state community supervision and are returned to jail for a short period of time in their home communities.

Jail Sites: There are at least fifteen larger jails that operate partial confinement programs or indicated that they have additional bed space. See Appendix B for jails with partial confinement programs and additional bed space.

State acquires unused jail facility space for state provided partial confinement/community supervision

How it would work: This option would involve the state leasing or purchasing existing unused jail space from local governments to operate partial confinement programs with increased state resources for community supervision of offenders and reentry programs.

A detailed feasibility study and negotiations with a local government would be required for each site. Jail spaces may or may not require capital improvements and equipment. Sites would likely be limited to those counties where larger groups of offenders return each year. Five counties (Clark, King, Pierce, Snohomish, and Spokane) had 500 or more inmates return in 2013.

Jail Sites: There are five counties and one regional facility in the inventory with existing unused or contract bed space that could be acquired by the state for partial confinement in increments of 180 beds or more. Four sites are in counties with high populations of returning offenders.

- King County Regional Justice Center – up to 561 double bunked beds at Maleng Regional Justice Center
- King County – West wing of downtown jail 370 beds
- Pierce County Jail – 500 plus contract beds
- SCORE – 350 contract beds
- Benton and Franklin County Jails – 200 plus beds
- Yakima County Corrections Center – 300 beds
- Thurston County Historic Jail – 316 beds

State acquires newer unused jail space and re-purposes for a specialized program

How it would work: This option would involve the state leasing or purchasing existing unused jail space from local governments to re-purpose and then operating a specialized program for a specific population of offenders who would come from and return to the prison system before release to their county of origin. Newer jails would be more likely to meet DOC's needs for program, visitation, and outdoor recreation spaces necessary for a long-term inmate population.

A detailed feasibility study and negotiations with a local government would be required for each site. Facilities may or may not require capital improvements and equipment. Sites would likely be limited to those counties where a jail facility has 200 or more beds.

Jail Sites: There is one jail facility that meets these requirements.

- Yakima County Corrections Center – 300 beds

State construction and operation of a collocated specialized prison facility on an existing newer jail site sharing central services

How it would work: This option would involve the state leasing or purchasing existing unused space adjacent to an existing newer jail that has been designed and built for expansion over time. The state could then design and build a specialized facility for a specific prison population and

operate the program. The state could take advantage of the jail's central facilities like kitchen and laundry facilities to reduce total capital and operating costs.

A detailed feasibility study and negotiations with a local government would be required for each site.

Jail Sites: There were nine jail sites identified in the jail inventory that might meet these requirements. Seven are already constructed and two are being designed.

- Yakima County Corrections Center – addition sharing existing central services
- Clark County Jail – addition
- New Thurston County Corrections Center – addition sharing existing central services
- King County Regional Justice Center – add up to four pods
- Pierce County Detention – build out/completion of 4th existing floor
- SCORE – addition sharing existing central services
- Spokane County – collaborate on design and construction of planned new jail facility
- Benton County – collaborate on design and construction of planned new mental health unit
- Skagit County – addition sharing existing central services

State and local partnership to construct and operate a colocated specialized facility on an existing newer jail site sharing central services

How it would work: This option would involve a partnership between the state and local governments to lease or purchase existing unused space adjacent to an existing newer jail that has been designed and built for expansion over time. The partnership would then design and build a specialized facility for a specific population and agree on operation of the program. The partnership could take advantage of the jail's central facilities to reduce total capital and operating costs.

A detailed feasibility study and negotiations would be required for each site.

Jail Sites: There were nine jail sites identified in the jail inventory that might meet these requirements. Seven are already constructed and two are being designed.

- Yakima County Corrections Center – addition sharing existing central services
- Clark County Jail – addition
- New Thurston County Corrections Center – addition sharing existing central services
- King County Regional Justice Center – add up to four pods
- Pierce County Detention – build out/completion of 4th existing floor
- SCORE – addition sharing existing central services
- Spokane County – collaborate on design and construction of planned new jail facility
- Benton County – collaborate on design and construction of planned new mental health unit
- Skagit County – addition sharing existing central services