



# Legislative Department Seattle City Council

## **Jail Capacity Study – What You Should Know**

### **Why was a jail capacity study conducted?**

During last fall's budget deliberations, the City Council adopted a Statement of Legislative Intent (SLI) calling for a jail capacity study. The goal of the study was to assess whether the city's need for jail beds could be reduced by relying less on jail time and more on treatment-focused approaches in handling both misdemeanor and felony lower-level drug offenders.

### **Context**

- Under state law, cities are responsible for the cost of jailing individuals arrested for misdemeanors within their jurisdiction. Currently, Seattle and most other cities in the county meet this responsibility by contracting for use of King County's jail services.
- Prior to the start of the jail capacity study, King County informed the cities that it would not extend its current contracts beyond 2012. This decision was based on King County's jail population projections which indicated that the county would need all of its available jail space for felons and county misdemeanants. As a result, Seattle and other cities within the county began planning their own jails.
- South King County cities formed the South Correctional Entity (SCORE) which includes the cities of Auburn, Burien, Des Moines, Federal Way, Renton, SeaTac, and Tukwila. SCORE has selected a preferred jail site in Des Moines and construction on either a 660-bed or an 860-bed municipal jail is expected to start soon.
- The North/East Cities (NEC) group also formed and includes Seattle, Bellevue, Kirkland, Redmond, Shoreline, and several other cities in North and East King County. This group is currently evaluating six potential sites for a 640-bed municipal jail.

## **Key findings from the study:**

- Current projections indicate that the average daily population of misdemeanants from Seattle and other cities in north and east King County will outstrip existing King County jail bed capacity by 300 in 2018 and by 500 in 2022.
- Providing all drug offenders arrested in Seattle with the most effective treatment programs available would reduce recidivism enough to lower the average daily population in King County's jail by approximately 25 inmates.
- Eliminating all jail time for Seattle's lower-level drug offenders would reduce the average daily jail population by 37 inmates. (Consistent with input from the Jail Capacity Advisory Group, "lower-level drug offenders" are defined throughout the study as the population of individuals with drug charges as the most serious offense at the time of arrest and up to but not including the level of offense eligible for King County's Drug Diversion Court.<sup>1</sup>)
- Only 10% of the average daily population of the King County jail is comprised of Seattle drug offenders. Even if all of them were provided drug treatment or other services designed to reduce their recidivism, and even if there were no jail penalties for lower-level drug offenders, the likely reduction in jail use would be significantly less than the amount of jail space needed for misdemeanants from Seattle and other NEC municipalities.

## **Other important facts:**

- In June 2009, after Seattle's jail capacity study was under way, the new King County Executive announced an intention to offer the cities contract extensions through 2015. This change of intention was due to just revised King County projections which dropped estimated future trend lines by taking into account the lower jail use rates experienced in 2007, 2008, and the early part of 2009.
- While a contract extension through 2015 eases the current jail planning schedule, the City Council has said that a contract extension of at least 10 years (through 2022) is needed to halt Seattle's current jail planning process. This is because of the considerable lead time needed for jail planning, design, and construction. The County has not agreed to extend its contracts with the cities beyond 2015.

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<sup>1</sup> New eligibility standards for Drug Diversion Court include (among other considerations) possession of 3 to 5 grams of cocaine, heroin or methamphetamine; or 100 to 125 grams of marijuana.

### **Key factors that may impact future jail capacity for city misdemeanants:**

- King County's own jail population trends declined in recent years, but the county projects a significant and steady increase starting in 2010.
- The study did not evaluate the impact of more fully employing certain alternatives to incarceration. Options not analyzed but worthy of further study include electronic home monitoring, work release, and day reporting programs.

### **What the study does not say:**

- The study **does not** state that existing treatment programs and other services for offenders and other alternatives to jail in Seattle and King County are not worthwhile. In fact, the success of these programs may be reflected in recent downward trends in the jail population.
- The study **does not** state that new treatment programs and/or pre-booking diversion programs for drug offenders should not be tested and pursued. Indeed, these may have substantial benefits outside any effects on the overall demand for jail space.
- While the study focuses on Seattle's need for jail services, it **does not** imply that Seattle and King County and other cities should not look for a joint solution rather than separate solutions for providing jail space.

### **What will the Council do next?**

- Each councilmember has received a copy of the staff study. Final comments from the Jail Capacity Advisory Group will be inserted as an addendum to the staff study shortly.
- The Council's Public Safety, Human Services, and Education Committee will discuss the study at its September 15, 2009 meeting which is scheduled to begin at 1:30 p.m. A public hearing will be scheduled during the Committee meeting to allow the public to comment on the study.
- The full Council will determine if it wants to alter the current jail planning process. That process is in its second full year; the present schedule is for a new municipal jail facility to open as early as the end of 2014.