



King County

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June 17, 2009

The Honorable Richard Conlin, President
The Honorable Tim Burgess, Councilmember
The Honorable Sally Clark, Councilmember
The Honorable Jan Drago, Councilmember
The Honorable Jean Godden, Councilmember
The Honorable Bruce Harrell, Councilmember
The Honorable Nick Licata, Councilmember
The Honorable Richard McIver, Councilmember
The Honorable Tom Rasmussen, Councilmember
Seattle City Council
Seattle City Hall
600 4th Avenue, 2nd Floor
Seattle, WA 98104

Dear Councilmembers:

Thank you for your letter dated April 24 identifying the City of Seattle's interest in continuing discussions with the county regarding future Seattle jail capacity. I, too, strongly support the ongoing efforts of our staffs to forge regional partnerships between the cities and the county to solve long-term jail capacity needs in King County.

As you know, the joint efforts for regional jail planning have focused in two areas: contract negotiations and exploring a new partnership for future jail bed expansion. Regarding contract negotiations, the county and the Jail Advisory Group (JAG), which represents all 39 cities, have worked the last eight months negotiating a regional jail contract extension for all cities to use jail beds in the King County jail for the next five to six years. I am pleased to report that based on our updating of the jail population targets, I have authorized our county negotiating team to offer more beds to the cities until 2015.

In addition, over the last seven months, the county and the North/East Cities (NEC), including the City of Seattle, have worked together to explore a potential partnership for investing in a joint jail construction project for building additional regional jail bed capacity. These joint efforts should be encouraged to continue, and it is within the context of these discussions that the requests set forth in the letter from the City of Seattle should be considered.

STATUS OF ONGOING COUNTY/CITIES JAIL NEGOTIATIONS

First, I want to take the opportunity to clear up any misunderstanding or confusion regarding the county's commitment to the regional jail planning efforts mentioned above.

As you know, members of my staff have been actively engaged with the City of Seattle, as well as all 39 cities, in jail planning discussions since 2006. Since that time, county staff and city staff have each shared information relating to their current jail populations and have gained a better understanding of the various components of jail planning and jail operations.

County/Cities Jail Bed Contract Negotiations

With regard to the status of an extension of the current jail services contract, the county and the cities reopened negotiations in September 2007 on the existing interlocal agreement that provides city misdemeanants with secure detention services in the King County jail system. Under the existing County/Cities jail contract, any negotiations regarding the provisions of the current contract must include all 39 Cities in King County that participate in the Jail Advisory Group. Whatever terms are offered to one city must be offered to all cities. The negotiations thus far have successfully resolved many issues for finalizing an extension. In addition, just this week the county negotiating team offered the cities a new extension in the jail services contract which would include additional beds through 2015. The county is also committed to revising its jail population target over the years as it did in 2009 to inform the region of additional jail bed availability.

Since late in the third quarter of 2007, the county has seen a divergence between the jail forecast and the number of inmates in our secure jails. Although the county's alternatives to detention programs have assisted in keeping our incarceration rate down, those programs do not appear to be the driver of the recent population reduction. Rather, the jail data shows that the primary driver appears to be a decrease in the number of Seattle Police Department felony bookings. County jail staff has been actively working with staff from the City of Seattle and the Seattle Police Department to understand the reasons for this change in bookings over the past few months. We have a shared understanding that the dip in bookings will eventually begin to increase. Despite that projected increase, the county's update to our forecast shows that jail beds will be available for city use for a longer period than previously presented to the cities.

The most recent county offer would accommodate county-responsible inmates who are charged with serious felonies and city-responsible inmates who are charged with misdemeanors at the levels requested by the cities through 2015. However, developing a jail forecast is part art and part science. Neither the county nor the cities want to be in the position of entering into a contract that requires the county to release a felony inmate rather than an inmate charged with a less serious crime should the jail population climb to a level that exceeds the number of available beds. Due to the uncertainties with our updated information, such as changes to confinement policies at the state level or local level and changes in police practices, the county is unable, at this point, to offer a 10-year extension to our existing contract arrangement. Accordingly, whether the county is able to accommodate the city misdemeanants at a level that the cities feel is needed to eliminate their current jail projects is a decision that will need to be made by city officials.

Exploring new partnership for future jail bed expansion

The long-term jail forecast for the county, even taking into account our lower incarceration rate, indicates that new jail capacity will need to be built in the next decade. Since November 2008, the county and the north and east cities together with the City of Seattle have worked together to explore a potential partnership for the design and construction of a new joint jail project designed to address future criminal justice needs, including the jail bed needs of all parties. To date, much of this joint work has focused on exploring the possibility of constructing a jail annex to the existing King County Correctional Facility in Seattle. This possible construction site is one of the six jail sites presently under review by the NEC/City of Seattle in their future planning efforts.

In addition to this work with the cities, the county's facility planning has always anticipated that any needed jail bed expansion for the county would occur at the Norm Maleng Regional Justice Center (MRJC). A topic yet to be completely explored by the county and the cities is whether the cities would be interested in partnering in an expansion at the MRJC if sufficient jail bed space could be obtained to meet the needs of all parties. The county is willing to explore this issue further should there be interest by the cities in this alternative.

GROUNDWORK FOR FUTURE DISCUSSIONS

Underlying both the contractual discussions and the future partnership discussions is the acknowledgement and acceptance by the cities and the county of each jurisdiction's responsibility for providing safe, secure, and humane jail capacity for inmates to ensure community safety. Jail beds must continue to be available for those individuals that pose the greatest public safety risk. Further, while I strongly believe that jail capacity is essential, our communities should also be planning and providing a continuum of detention options to address the needs of lower level offenders. These community programs allow defendants to be held accountable for their criminal behavior while also allowing them to remain in the community and to receive services to reduce recidivism. King County has a lower incarceration rate than the national average. I firmly believe that one of the reasons that we are able to keep our incarceration rate down is the 2003 implementation of our alternatives to secure detention. Your letter appears to share this focus regarding the necessity of providing jail and jail alternative programs on a regional level.

I hope that the descriptions above have cleared up any confusion regarding the county's commitment to working with the cities on regional jail solutions. We look forward to our

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continued productive discussions in finalizing a short-term contract extension as well as planning for the long-term jail capacity needs of the region. If you have any questions, please contact Kathy Van Olst, Director, Department of Adult and Juvenile Detention, at 206-296-1268.

Sincerely,



Kurt Triplett
King County Executive

cc: King County Councilmembers
 ATTN: Tom Bristow, Interim Chief of Staff
 Saroja Reddy, Policy Staff Director
 Anne Noris, Clerk of the Council
 Frank Abe, Communications Director
The Honorable Greg Nickels, Mayor, City of Seattle
Clif Curry, Legislative Analyst
Noel Treat, Chief of Staff, King County Executive Office (KCEO)
Sheryl Whitney, Assistant County Executive, KCEO
Bob Zappone, Council Relations, KCEO
Kathy Van Olst, Director, Department of Adult and Juvenile Detention
Kathy Brown, Director, Facilities Management Division
Beth Goldberg, Deputy Director, Office of Management and Budget
Catherine Cornwall, Senior Policy Analyst, OPM, City of Seattle
Marilynne Beard, Assistant City Manager, City of Kirkland
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Scott MacColl, Intergovernmental Relations Program Manager, City of Shoreline
Nina Rivkin, Chief Policy Advisor, City of Redmond