



King County

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May 13, 2010

The Honorable Don Davidson
Mayor, City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

Dear Mayor Davidson:

In response to a request from the North/East Cities (NEC) Oversight Group, I am pleased to propose an approach for strengthening regional cooperation to meet our jail capacity needs and manage our jail populations into the future. This approach consists of two parts—collectively launching a regional jail planning and management group and setting forth a framework for King County to house 150 city inmates for the years 2017 through 2020.

The Changing Landscape of the Region's Jail Population and Capacity

While NEC, with support from King County, has been developing an environmental impact statement for siting and constructing a regional jail, the changing landscape of the region's jail population and capacity has provided an opportunity to consider new approaches. Three factors have contributed to this changing landscape. First, the jail population housed in King County facilities has declined over the past two years. It is evident that King County will have more available capacity for city inmates than forecast two years ago. Second, the South Correctional Entity (SCORE), a consortium of seven south county cities, is building a misdemeanor jail facility that will become operational in the second half of 2011. By meeting the jail needs of these south county cities, this facility will help reduce pressure on jail capacity across the region. Third, more contracting options for jail beds are available to cities today to help meet their jail bed needs.

Due to these three changes, there is a strong likelihood that both King County's and NEC's jail population capacity needs can be accommodated through 2020 without constructing additional jail capacity at this time.

Managing Uncertainty and Risks

While it is likely that jail population needs can be accommodated through 2020 with existing facilities, it is not a certainty. The unexpected decline of the county's jail population over the past two years is evidence of the difficulty in predicting fluctuations in jail population and forecasting long term trends. Additionally, external drivers beyond our control (such as actions of the state Legislature) can significantly impact jail population. We also continue to face risks to

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past two years is evidence of the difficulty in predicting fluctuations in jail population and forecasting long term trends. Additionally, external drivers beyond our control (such as actions of the state Legislature) can significantly impact jail population. We also continue to face risks to existing jail capacity with the chance of flooding in the Green River Valley and with King County's aging detention facility in downtown Seattle.

Through strengthening our cooperative efforts, together we can mitigate these population and capacity risks. Such cooperative efforts would include working together on tracking jail population and capacity trends, ensuring the efficient use of jail space, expanding appropriate and safe alternatives to detention, and exploring effective approaches for diverting low-level mentally ill or chemically dependent offenders.

While the proposed approach outlined below creates additional time to plan for our region's future jail needs, it is not a long-term solution for our region's jail capacity needs. Given the long lead time to plan and build new jail capacity, the county and cities need to be prepared to resume planning for new capacity by 2013—or even sooner if trends indicate the need for additional capacity before 2020.

Proposed Approach for Strengthening Cooperation to Manage the Region's Jail Populations

Launch a Regional Jail Planning and Management Group: I am proposing that the county and the cities together form a county-wide jail planning and management group consisting of staff from entities operating jails in the county and cities using contracted jail capacity. The purpose of this group is to be a collaborative forum for regional cooperation and management of the inherent uncertainties and risks in meeting the region's jail needs into the future. In particular, this group would focus on fostering a well-coordinated system of jails in the county, utilizing the region's jail capacity effectively and efficiently, developing periodic reports on trends in the region's jail population and capacity utilization, and cooperating on meeting the region's long term jail capacity needs.

Extend the Jail Services Agreement between King County and Interested Cities: I am proposing that the county make 150 beds available for city inmates as part of a revised jail services agreement for the period 2017 through 2020. Making these beds available for city inmates so far into the future carries some risk to the county and meets only a portion of the region's long term need. To manage this risk and plan effectively, I am proposing that the county make these beds available if together the county and cities accomplish the following measures.

- *Successfully launch the regional jail planning and management group.* This group is a crucial part of the proposed approach for cooperatively managing the region's jail population, tracking trends in the jail population and use of capacity, and planning for long term jail capacity. Since the successful launch of this group is a critical measure for managing the risk to the county and the region, the target date for accomplishing the launch is October 2010.
- *By January 2011, set a timetable for negotiating and executing, no later than January 2013, an extended jail services agreement for 2017 through 2020.* The jail services agreement is the mechanism for formalizing the commitment between the county and

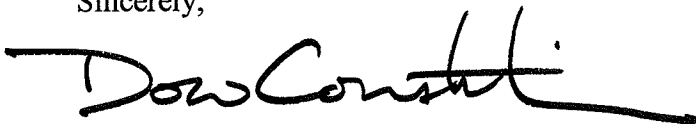
interested cities to provide 150 jail beds for city inmates in county facilities. While the negotiation on the revised jail services agreement is not expected to take very long, setting a timetable for these negotiations ensures that the process occurs in a timely fashion.

- *Incorporate the following two measures into the extended jail services agreement for 2017 through 2020.* The recently approved jail services agreement that is in effect through 2016 provides a solid foundation for the extended agreement. While the same substantive terms from this recently approved agreement would be incorporated in the extended agreement, critical to the county's ability to offer the 150 beds for city inmates are the following two measures.
 - *Update base costs in the rate model and adjust the annual inflators.* Since the offer of 150 beds for city inmates would not take effect until 2017, the rate model may need to be updated to reflect current costs and the annual inflator may need to be adjusted to accurately reflect the inflation rate experience and expectations for the period 2017 through 2020.
 - *Establish a minimum daily maintenance charge for at least 100 beds per day.* The commitment of 150 beds, beginning in 2017, will require the county to allocate budget and provide staffing for up to three inmate housing areas. A minimum daily maintenance charge for at least 100 beds per day, whether or not these beds are used, will ensure the county has the resources for operating these jail beds. This minimum is exclusive of other applicable surcharges.

This letter summarizes a proposed approach for the county and cities to work together, as equal partners, in strengthening cooperation for planning and managing this region's jail needs. It does not address all of the necessary details that will be required to implement this approach and that will be part of future discussions and negotiations. This letter sets forth the intent of the parties only and does not create any binding obligation on the part of any party, nor shall it be the basis for any legal claims or liabilities by or among the parties.

Thank you for your consideration of this proposed approach. It is being offered in the spirit of turning a new page for addressing our shared interests in meeting this region's jail needs. I hope you share my belief that we have an opportunity to put in place concrete steps for managing the region's jail system and needs into the future. If you agree to support the approach outlined in this letter, I would ask that you respond in writing by June 30, 2010. If you have questions, please contact Hikari Tamura, Interim Director, Department of Adult and Juvenile Detention.

Sincerely,



Dow Constantine
King County Executive

cc: Hikari Tamura, Interim Director, Department of Adult and Juvenile Detention
Carrie Cihak, Strategic Initiatives Director, Office of King County Executive