

Washington Association of Sheriffs and Police Chiefs



Regional Jail Initiative

**Preliminary Report
March 31, 2005**

WASPC Regional Jail Initiative Preliminary Report

Executive Summary

In late January 2005, the Washington Association of Sheriffs and Police Chiefs (WASPC) hired a Jail Consultant to support city and county efforts to increase local jail capacity by cooperative regional jail initiatives. The consultant has reviewed the previous reports on this and related topics, visited a number of city and county facilities, and proposed some preliminary ideas for implementing this concept. While the position has been filled for only two months, this report summarizes the efforts to date, and proposes the continued funding of the program.

Because much has changed in existing local jail facilities since WASPC issued its first Regional Jail Study in May 2001, WASPC chose to send its consultant to visit a large number of jails to obtain first-hand information about the current state of operations. The consultant has already visited several jails which he described as “dangerously overcrowded”. Among these jails are Spokane, Thurston, and Kittitas Counties’ facilities. Others not yet visited which are believed to fall into this category are Whatcom and Skagit Counties. In addition, the needs of the cities in King County are so great that they are contracting for 400 to 500 beds as far away as Yakima County. Other jurisdictions in western Washington are renting beds in eastern Washington jails, notably the Benton County Jail.

Interestingly, the consultant has also identified some jails with “excess capacity”. These jail beds are constructed (or nearly completed), but are not presently being operated for lack of operational funding. Nearly 1,000 beds will soon be available in four counties (Benton, Kitsap, Pierce, and Yakima). If funding can be identified, these beds may present an opportunity for regional cooperation.

At the same time, the state Department of Corrections (DOC) has local incarceration needs in excess of its present capacity. It is currently renting approximately 500 beds out of state and 300 in county jails in this state. DOC is presently using its long-term bed space, and its rented space to house short term inmates (community custody violators), who could more appropriately be housed in local jail facilities. This situation also presents an opportunity for state-local cooperation to house inmates. The consultant has begun to meet with state officials to explore these opportunities.

In 2003, the Sentencing Guidelines Commission issued its “Interim Report on Regional Jails”. It argued that the need for mental health and chemical dependency treatment beds at a local or regional level was very high. While there appeared to be a widespread consensus concerning these issues, neither

the commission nor any other individual or body of state government existed to implement its concepts.

Another potential participant in the regional jails concept is the federal government. While the U.S. Marshal's Office has met most of its local incarceration needs in western Washington (by construction of a federal facility in SeaTac), it continues to contract for over 300 beds for pre-trial felony detainees in eastern Washington jails, in spite of the crowding in some of those facilities. This continuing need may add to the likelihood that federal monies could be accessed to create additional jail capacity in regional jail facilities in eastern Washington.

The consultant has also begun to participate in WASPC's efforts to improve the data available from local jurisdictions. His work in support of the Jail Booking Reporting System (JBRS) should assist state and local policymakers in managing the scarce resource that is local jail capacity. WASPC believes that as a system, we can't manage what we can't measure, and that the need for accurate local incarceration data has never been greater.

In two months, the consultant has visited 19 of the 57 city and county jails, attended 6 meetings of state and local groups dealing with regional jail issues, made or responded to 40 general assistance contacts dealing directly or indirectly with regional jail issues, and responded to several related issues such as operational standards, the federal Prison Rape Elimination Act (PREA, which also applies to local jails), and questions relating to the opening of new facilities within the state.

It has become obvious that the primary problem is not the lack of regional jails, but rather the extreme lack of sufficient local jail capacity and correctional programming in many cities and counties. Regional jails are widely viewed as an efficient and logical solution to these problems. We should look at our network of local city and county jails as a system that serves the entire state, rather than a localized entity whose problems affect only those who live in that locality. By improving the overall local incarceration system, we can improve public safety throughout the state.

This preliminary report identifies some of the systematic, statistical, historical, anecdotal, and fiscal arguments in support of the regional jail concept. What has been missing from previous reports and discussions is a concrete plan to implement the concept. With continued funding of this position, regional jails can finally be made a reality in Washington.

The report concludes with several potential models for the development and implementation of regional facilities. Many of them involve increased state funding of correctional operations currently considered local responsibilities. Much work remains to be done to develop and justify these changes.

Caveat

The opinions and ideas expressed in this preliminary report are those of the consultant. They have not been verified, adopted, or approved by WASPC, its members, or the organizations mentioned in the report. The opinions and approval of these organizations and individuals will be solicited prior to the issuance of a final report, particularly if statewide or legislative options are proposed.

Regional Jail Opportunities

In his first two months, the jail consultant has identified the following locations which should be primary targets for the development of regional jails, because of pressing local need (not in priority order):

- Kittitas County
- King County
- Spokane County
- Thurston County

The following facilities are likely to be added to the list, based on previously reported jail population and capacity reports. (This is not intended to be a complete listing.)

- Skagit County
- Whatcom County

The next list of facilities is for locations which have been identified because they have useable, but currently unused capacity in excess of their current local need. This capacity may well be needed locally in the not that distant future, but its apparent availability now presents an opportunity for regional cooperation.

- Kitsap County (two 60-bed units ready to occupy when staffed)
- Yakima County (one separate 288-bed facility 90% complete, with additional infrastructure already built on a 10-acre-plus site, including large industry and program space)
- Pierce County (as many as 450 beds available, including 4 completely unused 84-bed direct supervision units in the new jail, and an infirmary)
- Benton County (renting approximately 225 beds to DOC and other jurisdictions, with approximately 175 more available)
- City of Issaquah (renting a higher proportion of its beds to other King County cities than it needs for its own populations)
- Others likely to be added when visited:
 - Possibly Lewis County (which has built a new facility, and is presently remodeling its older facility)

- Possibly Snohomish County (which planned to open its newest facility earlier this month)

Finally, these are counties and a city which would (or perhaps should) consider closing their existing jails when an effective nearby regional jail is established:

- City of Auburn
- Columbia County
- Garfield County
- Kittitas County

Strategies for documenting the need for regional jails

Strategy One: Look at the city and county jails as a system

Each city and county has traditionally (and predictably) looked at itself and its own “local” problems. In the 1980’s, the state funded the construction of jails throughout the state via the City and County Jails Act (RCW 70.48), encouraging, but not requiring regionalization. In those years, only two counties (Chelan and Douglas) chose to construct a multiple county facility. Several cities lent their support (and previous jail population statistics) to this capacity-building effort, and several of these cities closed their jails when the new county facility was completed. (Bremerton, Bellingham, and Wenatchee were among these cities.) However, no group of counties (or cities and counties) chose to jointly operate a regional facility.

Jails are part of a larger criminal justice system, where a large variety of policy makers decide who should be locked up and for how long. Police make arrest decisions, judges make pre-trial release and sentencing decisions, and a variety of system actors (including corrections officials) make decisions for alternative programs, booking restrictions, and early release.

When jails become crowded, the “tail wags the dog” – in other words, incarceration policy decisions are made based on available space, instead of policy decisions dictating how large the jail should be. In some cases, this phenomenon motivates criminal justice system actors to talk to each other in meaningful ways about who should be incarcerated and for how long. This has led to the development of appropriate alternative sanctions and other programs.

However, in other cases, crowding leads to unilateral decision-making. For example, federal judges have forced consent decrees and settlement agreements in several jurisdictions. These court orders have mandated maximum population caps, minimum staffing levels, and a myriad of other conditions of incarceration. Sheriffs and other correctional officials have dictated booking restrictions.

In some jurisdictions, counties have refused city prisoners. Several jurisdictions have turned away state community custody, also called Offender Accountability Act (OAA) violators. In at least one county, these restrictions have gone so far as to turn away sentenced prisoners from the courts. Hundreds of thousands of warrants go unserved. Respect for law and community safety are compromised.

If the courts, police agencies (including WSP), DOC, cities without jails, and the federal agencies could agree on the number of beds their decisions would drive in each region of the state, an “ideal jail capacity” could be generated. With good supporting data and the reinvigoration of local law and justice committees (or similar forums), this type of consensus is not impossible. The correctional capacity discussed should include the capacity for alternatives such as electronic home monitoring (EHM), work release, and similar programs. The Department of Corrections should also be at the table, because of their significant “local” needs – an estimated 1,400 OAA violators per month.

Comparing this ideal capacity to the present reality would help to define where more local or regional capacity should be created. In the absence of the criminal justice system consensus suggested above (and assuming some decent data generated by the Jail Booking and Release Statistics (JBRS) project), WASPC could argue for a formula which shows the upper and lower incarceration rates across the state, and seek to support construction of additional capacity in the areas which appear to be significantly below average in available capacity.

Strategy Two: Statistical

The second strategy for documenting the need for additional local jail capacity is statistical. A careful comparison of counties’ incarceration rates should demonstrate a range of rates that will be useful to answer the question – just how much capacity is enough.

As a state, Washington is reportedly roughly in the middle of all the states in terms of numbers of citizens per capita locked up in local facilities on any given day. A very preliminary analysis indicates that our counties’ incarceration rates per 100,000 range from a low of 82 in Whitman County to a high of 518 in Yakima County. Obviously, Yakima County’s rate is greatly inflated based on the number of inmates it houses for other jurisdictions. Their actual rate is probably closer to one-half of that number. To fairly account for these inmates, we would have to assign them out to their county of origin – i.e., the county or city who is paying to house them. (Another complicating factor is the 300-320 beds rented in eastern Washington jails by the U.S. Marshal’s Office.)

A close analysis of Yakima County’s incarceration rates may actually yield an estimate of a maximum rate. Because they are renting so many beds to other jurisdictions (primarily in King County), they do not have any booking restrictions in place for their local jurisdictions. This “y’all come” policy may have created a

“natural experiment” which may indicate an upper limit on the rate that could be allowed before booking restrictions and jail alternative programs are implemented. (Yakima County does have a very active electronic monitoring program and an apparently successful restitution center.)

This statistical approach should be supplemented by a careful, statistical look of how each jurisdiction uses alternative programs such as electronic monitoring, work release, and day reporting. Taxpayers and legislators are unlikely to support additional capacity if these programs have not been used to their maximum benefit.

Another statistical approach is to establish the rated capacity and “maximum allowable capacity” of existing facilities, using a common definition. The best recent effort to do this in the state was “The Washington State Master Capacity Plan – Snapshot Report” (cited here as the Master Capacity Plan), by Edward M. Vukich and Karen Daniels. This report used the rated capacity definition of the Washington State Jail Commission from the 1980’s. Many beds have been added to the city and county jails since that time, greatly overtaxing jail infrastructures. However, experience and federal case law have also changed since the early 1980’s, so this consultant would argue that there is a “maximum allowable capacity” number, somewhat higher than the original rated capacity (but in many cases not nearly as high as the total number of installed beds) which could be used to compare “capacity rates” across the counties.

Several counties have used national consultants (and their own local statistical analysis) to produce detailed jail population forecasts. These forecasts have evolved to be a very sophisticated and supportable method for determining needed jail capacity. They have also proven to be very accurate, because they use the assumptions of the local criminal justice system decision-makers.

These population projections should be used where they are available; updates should be encouraged where necessary; and similar studies should be encouraged in jurisdictions where they have not previously been done. This type of study is most accurate when done locally; however, when the statewide data is improved (again, hopefully through WASPC’s JBRS project) it will be possible to create a general statewide forecast. The assumption-setting process, vital to the forecast, would have to be done by local representatives, if any degree of accuracy is to be expected.

If a total statewide forecast is not feasible, it should at least be possible to do a statewide forecast of beds needed for sentenced felons, based on Sentencing Guidelines and other presently available data. This forecast could be disaggregated by county to support at least a significant portion of the local jail capacity need.

Another partial forecast that might be possible at the state level, given improved data, would be for small jurisdictions which may be unable to afford the consultants used by the larger jurisdictions. With a successful JBRS project, WASPC may be able to support or provide this forecast.

Strategy Three: Historical

The City and County Jails Act, enacted in the late 1970's, provided 100% state funding of city and county jail construction in the 1980's. The political arrangement was that the state would pay for the construction costs, and the local governments would pay for the operational costs. By law, the jails were to be designed with sufficient capacity to last until the year 2000. The Washington State Jail Commission (and its successor agency, the Corrections Standards Board) used a very conservative method of projecting needed capacity; it based all of its projections on previous criminal justice system practices, allowing for expansion based almost entirely on projected general citizen population increases.

This method failed to account for the following national and statewide trends:

- Improvements in law enforcement methods, such as Automated Fingerprint Identification Systems (AFIS) and DNA testing
- Increased law enforcement and prosecutorial success in drug crimes
- Apparent increases in drug crime itself, particularly for methamphetamine manufacture, delivery, and use
- Increased correctional housing of the mentally ill, particularly those with a "dual diagnosis" of chemical dependency
- Increased penalties for crimes ranging from "three strikes" laws to Driving while License Suspended (DWLS)

As a result, jails ran out of capacity long before 2000 in many areas of the state. Now, five years later, many jails still have not been successful in efforts to expand their local jail systems. For example, the following jurisdictions have recently been unsuccessful in passing local bond issues or sales tax increases to fund jail expansion. (Again, this is not intended to be a complete list.)

- Kittitas County
- Stevens County
- Thurston County

The effect of state government decisions on local jail populations is significant. The decisions of the state Department of Corrections and the Washington State Patrol are the most significant.

For example, DOC Community Corrections Officers have the authority to require the arrest of a violator via a Secretary's Warrant. Their hearing officers then

determine the sanction, including the length of time a violator serves. If the average length of stay of the estimated 1,400 OAA violators per month is 30 days, then 1,400 beds are needed. If it is 60 days, 2,800 beds are required.

An example of a WSP impact would be a modification of its policies on DUI arrests. If it changed its practices from “cite and release” for some offenders to a “zero tolerance, arrest all persons charged” policy, jails are impacted.

Even more significant is the growing impact of felony sentencing. For example, in Fiscal Year 2004, 27,930 felony sentences were handed down in the state. Of these, 17,572 were local jail sentences. These local felons were sentenced to an average sentence of 3.1 months. Excluding the impact of “good time”, these locally incarcerated felons accounted for the average use of 4,477 jail beds. Of course, a large proportion of the other 9,640 felons, those convicted of the most serious crimes (and/or with the most significant criminal history) also served a long portion of their sentence in local jails either pre-trial or while awaiting sentencing. If they averaged 90 days each (believed to be a conservative estimate), they account for another 2,377 beds.

This conservative estimate of the felony impact on our local facilities - 6,854 beds - accounts for over half of our local system capacity by most measures. The state government has not provided direct funding to local governments for jail construction since the 1980's.

Strategy Four: Anecdotal

A visit and tour of some of our most crowded local jails helps to understand why regional jail or other capacity-building solutions are urgently needed. If a tour is not possible, imagine a relative or someone you know locked into a 70-square foot bathroom with one or two others charged with crimes, for 23 hours a day. Or try to picture 40 men living 24 hours a day in a windowless, 1,500 square foot room.

There have also been some incidents in jails in recent years that may have been preventable with increased capacity or adequate funding of program and other staff. A mentally ill inmate was allegedly murdered by other inmates in a crowded jail. Another county recently entered into a \$1.6 million dollar settlement for the in-custody death of one inmate that exceeded the small county jail's annual budget by \$500,000.

Other court involvement has taken place in counties where capacity limits, improved staffing, and other improvements have been ordered. Payments are typically made to the lawyers on who work on these cases – the payment to the ACLU was \$84,000 in one small county's case – money that could be spent on jail operations or other county needs.

There appears to have been a great deal of interest in the concept of regional jails in the last five years or more. For example, see Appendix 2, for a copy of the text of Section 612, Engrossed Second Substitute Senate Bill 5763, passed by the Senate March 10, 2005.

WASPC's own report, *Regional Jails in the State of Washington*, May 2001, Jim LaMunyon; and the Sentencing Guidelines Commission's "Interim Report on Regional Jails", December 2003 also reflect this interest.

Strategy Five: Fiscal

One method of supporting the need for regional facilities is to compare criminal justice system costs across jurisdictions – per capita and as a percentage of the jurisdiction's expenses. This data is available in such publications as "Criminal Justice in Washington State", November 2004, Department of Community, Trade and Economic Development. As a percentage of total expenditures, cities spent 12.1% and counties 23% of their budgets on Law and Justice expenditures in 2001 (the latest year reported).

The impact of state government impacts on local jails is mentioned above under strategy three. This argument can be turned into a fiscal argument, simply by multiplying the bed-day impacts of state government and agency decisions by the cost of a bed-day in a local jail. The Master Capacity Plan reported the total annual costs of operating the city and county jails to be **\$231,103,354**, based on a survey in 1999. The same report listed the average daily population to be 10,393 (1998 figures). These figures calculate out to an average per-day operational cost of the city and county jails of approximately \$61.

Using this conservative cost figure, the impact of housing sentenced felons in local jail facilities can be estimated to be at least **\$152,609,000 per year**. Similar basic analyses can be applied to Washington State Patrol arrests, or DOC OAA decision impacts. Better data would allow more sophisticated analyses of changes to state sentencing laws, and other policy, program, or correctional alternative changes.

Data may also be available for the costs to city governments for jails. While the impact on cities which operate jails is included in the discussions above, the consultant is unaware at this time of any study of city payments to counties (and other cities) for contract incarceration of city inmates. It is known, however, that these needs and costs have grown to significant proportions. Cities as small as Lake Forest Park and as large as Seattle have recently considered the construction of their own facilities. The phenomenon of over 400 beds being rented in Yakima County by a consortium of King County cities speaks volumes for how great the cities' needs have become.

Other city jails are also in the contract business. One city contracts for the housing of other cities' inmates at a rate three times higher than its own "local" population. Other small city jails contract with other cities and even counties, sometimes from many miles away. Generally speaking, the city jails were not designed for, but are now used for long-term incarceration.

The state DOC currently rents 200-300 local jail beds within the state, and approximately 500 out of state. Like the Yakima County and small city situation, however, these beds are often not located in the communities where they are most needed. OAA violators typically serve short sentences. Local jails are better equipped to handle short sentences than state prisons; regional jails could be designed to handle them better than either existing system. Economies of scale and clarity of mission could allow for mental health, chemical dependency, and other short-term treatment options for OAA violators and other short-term inmates.

Finally, there may be a fiscal argument for the needs of the federal government within the state. Federal funding through the Violent Offender Incarceration and Truth-in-Sentencing (VOI/TIS) Incentive Program is no longer available, but the U.S. Marshal's service and other federal agencies continue to have secure housing needs, particularly in eastern Washington. (The construction of the Federal Detention Center at SeaTac (FDC SeaTac) has addressed 99% of their needs in western Washington.)

This need is currently estimated as at least 300 beds, with most of the need in Yakima, Benton, and Spokane Counties, where the federal courthouses are located. (There has been some discussion of a federal courthouse in Vancouver, but the impact of this possible development on jail bed needs is unknown.) The agencies of the federal government have traditionally paid a fair price for their contract beds in local jails, but their impact, particularly in overcrowded facilities, should be considered. Even though VOI/TIS money is no longer available, there may be other federal funding avenues worth pursuing. In the alternative, contracts with the agencies could be renegotiated to include an amortization of capital costs, to help offset capacity building construction costs.

Implementation of Regional Jails Concept

A great deal of study and work has been done in the state to support the concept of regional jails. Only the last step of the process, implementation remains to be done. Using the above strategies to support this effort, WASPC proposes that one or more of the following implementation methods be used.

Continue to Fund WASPC's Regional Jail Initiative to Support Voluntary Cooperation

Studies have indicated that no additional legislative change is necessary to create regional jails. Two or more jurisdictions could choose to enter into an Intergovernmental Agreement. WASPC's Jail Consultant is working to identify those jurisdictions which could most benefit from this cooperation. Following this assessment, he intends to invite the decision-makers of the affected cities and counties into a cooperative planning process to bring one or more regional facilities on-line.

Legislatively Create a Separate Regional Jails Authority

At the other end of the spectrum, the legislature could create a new agency, positioned in the process between the existing city and county jails and the Department of Corrections. This approach (used successfully in West Virginia) would create a structure and a clarity of mission in an area where inmates, particularly the mentally ill and chemically dependent offender, are currently underserved. Additional resources would be required to build capacity statewide, but this capacity could also provide some relief for crowded local facilities and for the Department of Corrections.

Current law delineates the responsibility for offenders as follows:

- Pre-trial and pre-sentenced offenders housed in local facilities
- Sentenced misdemeanants housed in local facilities
- Felons with sentences up to 12 months housed in local facilities
- Felons with sentences over 12 months housed by the Department of Corrections

Further study is necessary to define the dividing line that would be most beneficial, and which would take best advantage of existing local and state capacity. As an example only, the law could change the responsibility so that sentenced offenders with terms up to and including 18 months would become the responsibility of the Regional Jails Authority.

In this scheme, the local jails' primary responsibility would be for pre-trial offenders (and perhaps short term community custody violators). DOC would continue to serve those with the longest terms, in this case over 18 months. Governance of the authority should be shared by the counties served and DOC.

The Regional Jails Authority would serve the currently underserved population of relatively short-term inmates who many times suffer from problems such as mental illness, chemical dependency, or both. Because of the commonalities of these populations, consistent research-based programs could be developed. Because of the efficiencies of scale, these programs could be offered in an

economical manner. Because research-based programs have been proven to reduce recidivism, community safety could be enhanced.

(An excellent model for incorporating research into practice has been developed by the Maryland Department of Public Safety. Titled “Tools of the Trade – A Guide for Incorporating Science into Practice”, it is available from the National Institute of Corrections at <http://nicic.org/Library/020095> . It was developed primarily for probation and parole operations, but its principles apply to any offender population.)

Create a “Mixed System” by Offering State Construction and/or Operational Funding for Jurisdictions which Choose to Participate

This option could be described as an incentive system. It may be particularly attractive to jurisdictions which have attempted but failed to obtain local bond funding or taxing authority for the construction of new facilities they already know they need.

This option could incorporate some of the ideas of the Regional Jails Authority option above. Jurisdictions could keep their local facilities open, perhaps at reduced populations, to serve the pre-trial populations. However, those who choose to participate could be rewarded by state funding for those inmates who are sent to the regional facility.

Change the Funding Formula to Provide More State Operational Support

Many officials in local jurisdictions believe that state decisions continue to add unfunded (or at least under-funded) mandates to local jail facilities. In several cases, this has helped to create dangerously overcrowded jail facilities; in others, it has led to unilateral decisions to refuse state prisoners; in the worst cases, even sentenced prisoners have been turned away.

Any formula which significantly increases the direct funding of local facility construction and/or operation would assist jurisdictions to develop additional bed capacity. In most cases, it would also be necessary to develop program space capacity as well, because every available space in some of these existing facilities is being used and over-used.

Again, additional study would be necessary to arrive at a specific formula. However, the following ideas have been suggested:

- State funding for all state prisoners (including community custody violators) at the full bed-day rate

- State funding for offenders arrested by the Washington State Patrol
- State funding for sentenced felons
- State funding for any new law which increases jail populations

Change the Fiscal Responsibility for Housing “City Prisoners”

Counties and cities, particularly in King County, now spend an inordinate amount of time and expense calculating “who owes who what for which inmate”. They spend even more time and money transporting inmates between jurisdictions and to and from each others’ jails, and to and from jails in Yakima, Benton, and other counties. Eliminating city financial responsibility for the offenders they arrest, and making them all the counties’ responsibility, could greatly simplify this system.

However, the current system serves two purposes: controlling jail populations and transferring revenue from the cities to the counties (or from one city to another). Mechanisms would have to be developed to replace both functions. An integrated regional approach could be funded by the state; revenue collecting authority could be shifted to the jurisdiction operating the jail; and more logical system approaches could be developed to control populations.

Replacing the currently convoluted system could have the added advantage of supporting the regional jails concept by requiring a single entity to be responsible for jail operations in a given county. This entity could then cooperate with other county entities in regional efforts.

Existing city jails could continue to function as short-term holding facilities, as most of them were originally designed. Alternatively, they could be built into an integrated network, operated by the regional authority and governed by an intergovernmental body.

Provide State Funding to Jurisdictions which Offer Specific Services on a Regional Basis

The state has an interest in community protection that could be enhanced by the delivery of services to offenders. State funding resources could be provided to existing or new operations which offered in-jail services to specific populations.

For example, a larger facility with an existing mental health program could agree to accept mentally ill inmates from other counties which do not provide such programming. Rather than charging the sending jurisdiction, the facility with the program could bill the state.

With a guaranteed funding stream, medium to large jails without such programs could develop them, both for their own inmates and for those of surrounding

jurisdictions. Similar funding sources could be provided for chemical dependency, medical convalescent or chronic care, domestic violence perpetrator treatment, or other needs beyond the resources of most small facilities.

Conclusions

The need for additional “local” correctional capacity in the state has been well-documented. The current jail system is failing to meet the needs of the rest of the criminal justice system. Community safety and respect for law are compromised.

A variety of regional jail approaches are available. WASPC intends to continue its assessment of the problems, and then to develop specific recommendations to local and state decision-makers to address these critical needs. With its independent role in support of the agencies which operate local jails, WASPC is ideally suited to further develop these concepts, and then to develop the system consensus to solve these problems.

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Appendices

Appendix One: The Ideal Regional Jail

One of the “Seven Habits of Highly Successful People”, by Stephen Covey is “Beginning with the End in Mind”. To this end, the WASPC consultant has developed this preliminary description of what an ideal regional jail would look like, based on a brief review of existing regional jail studies.

Not every regional jail facility has all of these qualities, nor does every prospective facility need to have them all to be successful, but we believe that some combination of most of these qualities would satisfy most corrections professionals’ definitions of an effective regional jail:

- Location
 - Conveniently located to all member jurisdictions
 - Preferably near-equal travel distance from each
 - Where utilities and infrastructure are adequate
- Leadership
 - Criminal Justice Planning Group – e.g., Law and Justice Council
 - Involvement of Sheriffs and Jail Managers
 - Involvement of County Commissioners and City Officials
 - Involvement of Judges
- Governance
 - Shared reasonably between participants
 - All parties have decision-making participation, or at least meaningful input
- Effective Transportation System
- Effective Use of Technologies
 - Remote videoconferencing
 - Other
- Unified, Articulated Jail Management Philosophy
- Involvement of Community-based Resources
 - Medical
 - Mental Health
 - Drug and Alcohol Treatment Providers
 - Cognitive Behavioral Change Providers
- Strong Prisoner Work Component
 - Involvement of Jail Industries Board
 - Involvement of local employers
 - On-site jail industries
 - Work Release
- Integration of Correctional Options
 - Use of Electronic Monitoring
 - Use of Day Reporting

- Use of Work Release
- Meets the Correctional Needs of All Agencies Operating in the Region
 - Washington Department of Corrections
 - Washington State Patrol
 - U.S. Marshal
 - Other Federal Agencies
- Size
 - Large enough to achieve economies of scale in staffing, medical, mental health, education, industries, and other programming
 - Sufficient capacity to relieve crowding in every participating jurisdiction
 - With population controls remaining in place
- Classification based on assessed criminogenic risk and needs
 - Level of Service Inventory – Revised (LSI-R)
 - Objective Jail Classification
 - WASPC Objective Jail Classification
 - Northpointe Decision Tree
- Fair, equitable, and transparent cost-sharing structure
 - Clearly defined process to modify structure as circumstances change
- Clear and efficient communication with the public
 - Internal public information plan
 - Media relations
- Continued operation of holding facilities / short-term detention near courts and population centers
- Standardized, computerized, and linked record-keeping system agreed upon by all participants
 - Linked to other criminal justice systems (APPRISS)
 - Jail Booking and Reporting System (JBRS)
 - Data elements include “jurisdiction for whom held”, decision-tree protocols to resolve data conflicts – e.g., multiple charges
- Sound legal footing
 - Compliance with authorizing legislation
 - Written contracts
 - Accreditation and/or documented independent audit
 - Audit according to constitutional physical plant and operational standards, agreed to between the participating jurisdictions

Appendix Two: Text of Section 612, Engrossed Second Substitute Senate Bill 5763

Regional Jails

NEW SECTION. Sec. 612 (1) The joint legislative audit and review committee shall investigate and assess whether there are existing facilities in the state that could be converted to use as a regional jail for offenders who have mental or chemical dependency disorders, or both, that need specialized housing and treatment arrangements.

(2) The joint legislative audit and review committee shall consider the feasibility of using at least the following facilities or types of facilities:

- (a) Green Hill School;
- (b) Existing or renovated facilities at the former Northern State Hospital;
- (c) Closed wards at Western State Hospital;
- (d) Fircrest School; and
- (e) Closed or abandoned nursing homes.

(3) The analysis shall include an assessment of when such facilities could be available for use as a regional jail and the potential costs, costs avoided, and benefits of at least the following considerations:

- (a) Any impact on existing offenders or residents;
- (b) The conversion of the facilities;
- (c) Infrastructure tied to the facilities;
- (d) Whether the facility is, or can be, sized proportionately to the available pool of offenders;
- (e) Changes in criminal justice costs, including transport, access to legal assistance, and access to courts;
- (f) Reductions in jail populations; and
- (g) Changes in treatment costs for these offenders.

(4) The joint legislative audit and review committee shall report its findings and recommendations to the appropriate committees of the legislature not later than December 15, 2005.