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Department of Corrections Feasibility Study for Yakima County, Washington

Submitted to
**Board of County Commissioners
Yakima County, Washington**

153113

U.S. Department of Justice
National Institute of Justice

September 22, 1993

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PO Box 5137 Berkeley, CA 94705
(510) 486-8352

Department of Corrections Feasibility Study for Yakima County, Washington

**Submitted to
Board of County Commissioners
Yakima County, Washington**

September 22, 1993



PO Box 5137 Berkeley, CA 94705
(510) 486-8352

September 21, 1993

Chairman Chuck Klarich
Commissioner Bettie Ingham
Commissioner Jim Lewis
Board of County Commissioners
Yakima County Courthouse
128 N 2nd Street, Room 416
Yakima, WA 98901

Dear Commissioners:

As costs for controlling crime and managing criminal justice populations grow, and local budgets are cut, many jurisdictions have looked for a means to control jail costs. In Yakima County this effort took the form of a study by ILPP to better understand jail population growth and determine if a new administrative approach could benefit the justice system. ILPP is pleased to present its report on the Yakima County jail system.

ILPP's Senior Jail and Law Enforcement Consultants spent several weeks in the county interviewing all significant officials while researchers explored historical and current fiscal and demographic data. Based on this multi-faceted review, ILPP finds that better control over the inmate population and costs could be obtained with jail management directly under the County Commission. The community of public officials in Yakima County for the most part shared these views and took an early and positive approach to managing change. This report follows the earlier development of some consensus towards instituting a Department of Corrections and making a series of other needed changes in the County's justice system.

A jail and its management are the responsibility of everyone who affects it. This includes the justice system agencies and, significantly, the County Commission. The rationale for this arises because jail is a scarce and costly resource; Yakima County is realizing this fact first-hand as it encounters jail population crowding simultaneously with large increases in the jail's budget.

Board of County Commissioners
9/21/93
page two

Yakima County Commissioners and administrators are to be commended for the original intention to review their system with outside experts, and for their current positive approach to change.

Sincerely,



Alan S. Kalmanoff
Executive Director

ASK/jg

Department of Corrections Feasibility Study for Yakima County, Washington

**Submitted to
Board of County Commissioners
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September 22, 1993

PROJECT TEAM

Alan Kalmanoff
Executive Director

David Voorhis
Senior Corrections Consultant

Palmer Stinson
Senior Law Enforcement Consultant

David Moulton
Senior Planner

Sarah Armstrong
Assistant Director

James Green
Projects Coordinator

CONTENTS

I. INTRODUCTION	1.1
II. DIMENSIONS OF THE CRIMINAL JUSTICE SYSTEM.....	1
III. FINDINGS & RECOMMENDATIONS	3.1
A. Previous Studies	3.1
B. Present Study	3.2
C. County Department of Corrections	3.13

APPENDIX A CONTRACTS WITH THE CITY OF YAKIMA

APPENDIX B JAIL COSTS & ALTERNATIVES

APPENDIX C ADDITIONAL DATA

I. Introduction

Yakima County is a large jurisdiction (4,275 square miles) in central Washington on the eastern slope of the Cascade Mountains. The western portion of the county is mountainous and lightly inhabited; most of the development lies in the Yakima Valley along US Interstate 82. The county's population of approximately 197,000 is predominately white, with the principal minority group being Hispanics (24% in 1990). The total population is not growing very rapidly, but the proportion of Hispanics has risen from 15 percent in 1980; many of these appear to be agricultural laborers. A little over one-quarter of the residents live in the city of Yakima, nearly as many in a dozen smaller cities, and the balance in rural areas including the Yakima Indian Reservation. Agriculture, particularly fruit-growing, is the major primary industry. Per capita income in Yakima County was (1985) over \$2,000 below the average for Washington state, and the percent of poverty was correspondingly higher.

In Yakima County, as in most local jurisdictions, the criminal justice system demands an increasing proportion of the county's resources. If both adult and juvenile criminal justice expenditures are considered, the total justice and legal functions consume over 70 percent of Yakima County's General Fund.¹ This fraction has been growing slowly but steadily for at least a decade. The magnitude of the justice expenditures in the face of severe revenue constraints seriously restricts the county's ability to provide other types of critically needed services to its residents, and consequently demands careful and continuous attention by the county's decision makers.

The county jail is the most costly justice system element, and its demands are accelerating. The Institute for Law and Policy Planning (ILPP) was engaged to develop a plan which could restrain or reverse the upward trend in the costs of operating the county jail.

The report contains many recommendations for system changes. Some of the proposals will require an initial outlay of money, and most must be staffed before an overall reduction in costs can be achieved. Implementation of the ILPP recommendations will involve dozens of fiscal decisions by the County Commissioners which must be timely in order to deliver the anticipated benefits.

The most far reaching of these recommendations is that the operation and administration of the county's jail should occur under a county Department of Corrections. Because the jail represents the single largest cost component of the county's criminal justice budget and because it has the potential of taking up even more of its share, a direct connection between the jail and its funding source is desirable. Such an arrangement would also impress upon the county the complexities of jail management and the need for appropriate financing.

The organization of Yakima County's government provides additional compelling reasons for a revised jail management system. Namely, because the county, unlike most others of its size in Washington and the rest of the country, does not have a single county executive officer, budgeting is handled, for the most part, directly by the County Commissioners. This responsibility only adds to the Commissioners' responsibilities which are both diverse and heavy.

Other recommendations which have an impact on efficient jail management and therefore on cost as well as public safety are included for review. All recommendations speak to Consultants' four underlying findings:

1. *There is no single leader of the county's criminal justice system.*
2. *While useful data is available, it can be used more effectively to provide an understanding of who is in jail and how this population should be managed to control explosive growth.*
3. *Alternative programs such as pretrial release and sentenced options are not used effectively. Although there have been persistent requests for such programs by the current jail administrator, they have gone unfunded despite massive growth in the jail population, and consequently, the jail's budget.*
4. *The County Commission has no direct relationship with the jail, nor has it seen itself as a key element of the justice system although the jail is the single most costly element of the entire criminal justice system.*

NOTES

¹ This includes the civil proceedings of the court and the Attorney's Office but excludes programs such as probation, work release, and 911 which are supported by special assessments or program revenues.

II. Dimensions of the Criminal Justice System

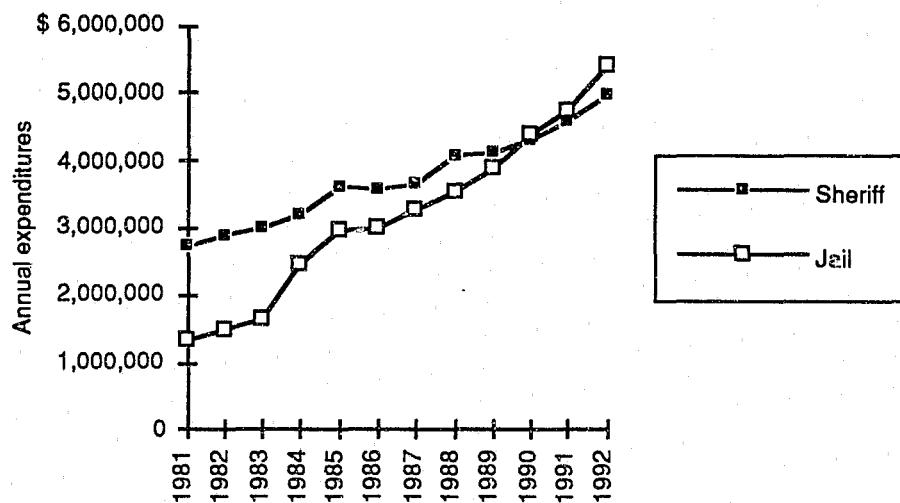
Within a local justice system the jail is typically one of the largest elements, usually rivaled only by the Sheriff's non-jail functions (primarily law enforcement). In Yakima County at the beginning of the 1980s, the Sheriff's non-jail budget was about twice that of the jail, but the jail grew more rapidly and had overtaken the Sheriff by 1990 as the number of inmates rose¹ (Figure 2.1). Even between 1988 and 1991, when the bed capacity of the jail scarcely changed, the jail budget grew much more rapidly than the Sheriff's. In that shorter period the jail added seven staff members while the Sheriff actually lost one. In addition the budget per staff member grew twice as fast for the jail as for the Sheriff.

Table 2.1 Staffing History, Jail and Sheriff (non-jail)

	Jail	Sheriff
1983	57	93
1985	99	95
1987	90	94
1989	96	96
1991	98	95
1993	111	99

In September 1992 the jail added 300 new beds for a total bed capacity of 621 and its population began to grow very rapidly. The average jail population in 1992 was 415, but had risen to 560 by July 1993 and reached 622 at one point in August. The effect of that growth on the county's finances is considerable. The 1992 jail budget total of \$5.4 million gives an average daily expenditure of almost \$36 a day per inmate for that year.² Although this average does not mean that it costs the county \$36 a day for each new inmate (see Appendix B for an explanation of this point), jail growth will be a major concern of the County Commissioners because it determines when new facilities will be needed. Controlling the jail population does not mean that the county will have to scale back its anti-crime efforts; there are alternatives to both traditional pretrial and sentenced detention that are far less expensive and still preserve public safety.

Figure 2.1 Yakima County Program Expenditures



The historical growth of the jail is shown in Figures 2.2 and 2.3. Figure 2.2 shows how the average jail population rose from under 200 in 1983 to over 450 in 1993. At present little under half of the inmates are Hispanic, or about twice their proportion of the general population. (Note that the "Hispanic" designation does not distinguish between legal and illegal residents.)

Not only has the jail grown, the character of the inmates has changed. This has occurred in two stages. From 1983 to 1988 (Figure 2.3) the number of pretrial felons grew rapidly. In 1988 nearly half of the inmates were awaiting trial on felony charges. The total of those detained on lesser offenses (misdemeanors and ordinance violations), pre- or post-trial, did not change much in the earlier years. But beginning in 1989, and continuing today at an accelerated pace, lesser offenders began displacing the felony population (Figure 2.3). Growth of this latter group was particularly striking after the opening of the new beds (Figure 2.4). By contrast, the population of pretrial felons actually decreased, from 162 in 1989 to 129 in 1992, and it appears to be still falling in 1993.

Consultants did not obtain historical data on reported serious offenses (felony crime) for all of the period under study, but the increase from 1991 to 1992 was quite small (1.7%). This is in contrast with the period 1984 to 1988 when there was a significant increase in serious crime. Yet the jail population continued to increase (shown as increasing size of the Average Daily Population, or ADP) even while the number of arrests decreased from 1988 to 1992 (Figure 2.5). The recent growth in jail population thus does not correlate well with an increase in crime or arrests; rather it seems to be due to an increase of the length of stay, and, since September 1992, a response to the availability of the new medium-security beds.

Figure 2.2 Yakima County Jail Population vs. Capacity

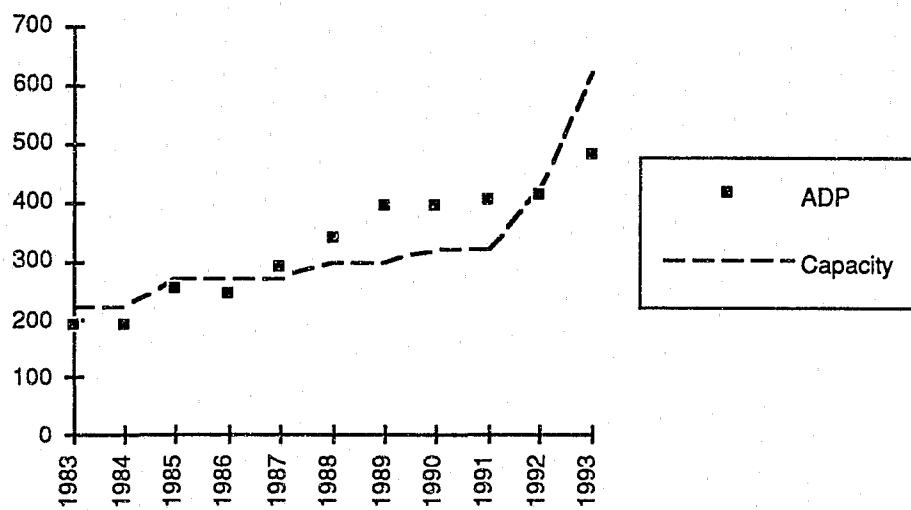


Figure 2.3 Yakima County Jail Felony Population by Adjudication Status

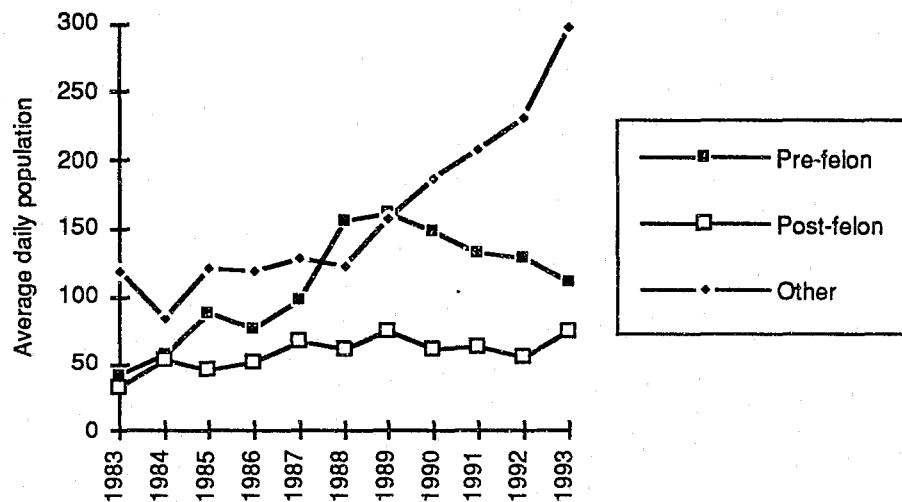


Figure 2.4 Yakima County Jail Inmate Population by Offense & Adjudication Status

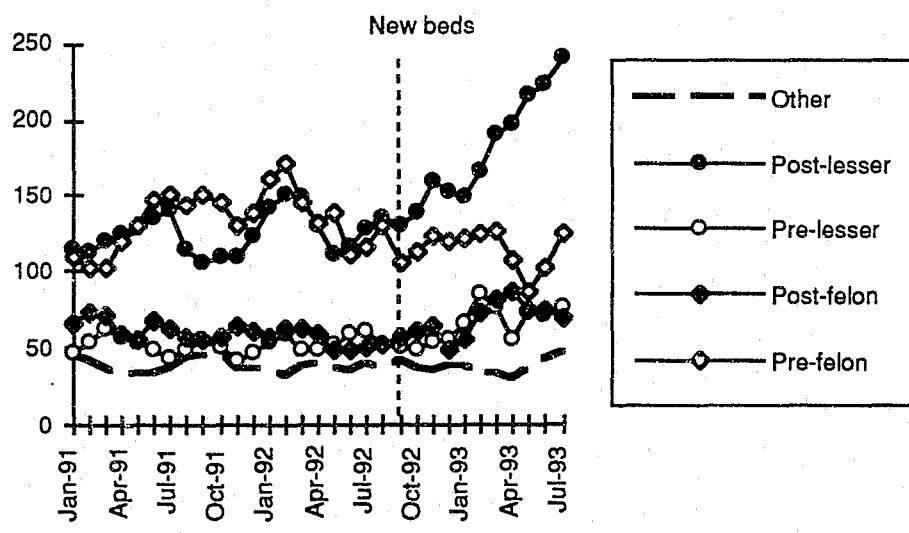
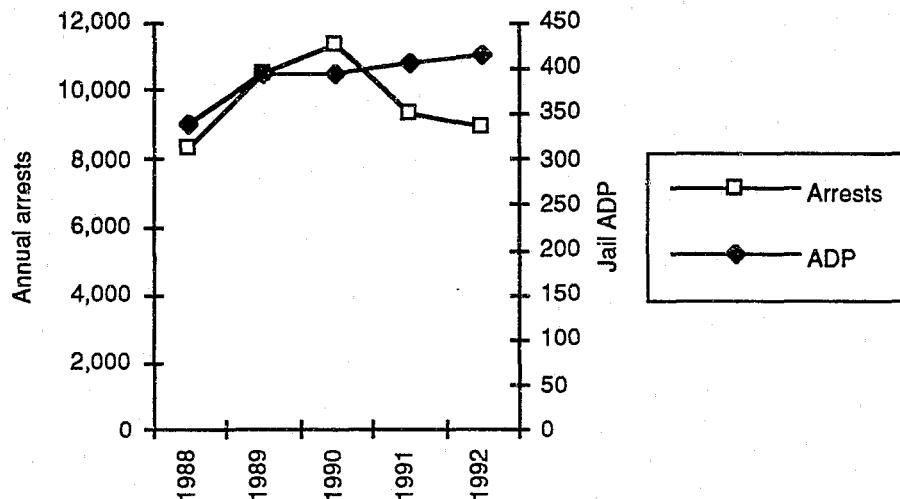


Figure 2.5 Yakima County Arrests & Jail Population



CONCLUSION

The following trends in the jail population are noted:

- The jail population has been rising, especially since the opening of the new beds in 1992.
- The cost and number of staff have been rising.
- Population and cost increases in the last few years were not correlated with increases in crimes or arrests.
- After 1989 the number of pretrial felons in the jail decreased while the number of these sentenced on misdemeanors, DUI and local ordinances rose.

NOTES

- ¹ Following the convention used in the county budget, the Sheriff's non-jail functions are henceforth referred to as "Sheriff" and the jail as "Jail" even though the jail is also under the Sheriff's jurisdiction.
- ² The jail expenditures for 1992 were \$5,400,079, while the Sheriff's were \$4,972,282.

III. Findings & Recommendations

Consultants found the Yakima County jail system to be surrounded by officials who are committed to maximizing efficiency and limiting unnecessary growth in demand for criminal justice services. The major problem confronting Yakima County is the fact that although the commitment to improvement exists, different agencies have different views of how to achieve it. This has led to a fragmented system punctuated by disagreements and misunderstandings. The fragmentation has been perpetuated by the absence of a direct and immediate link between the Commission and the jail.

Although adequate information (in the form of data collected by the jail) exists to understand the nature of the jail population and the direction of its growth, there is little attention by system representatives as a team to address this dynamic and cooperatively plan a strategy to manage it. This section highlights those areas where there is the greatest potential to save money and make improvements, culminating in an overall recommendation to create a direct responsibility of the Commission to the jail by establishing a county Department of Corrections.

A. PREVIOUS STUDIES

There have been a number of studies, both internal and external, of the county's criminal justice system. In November 1989 a joint county/city of Yakima symposium reviewed the rapid growth of crime and jail population in the mid-1980s and expressed great concern over its fiscal impact on the county. Since that time there have been a number of proposals by the jail administrator for policy and procedural changes that would reduce the jail population. By coincidence this report was issued just at the time when the growth of crimes and arrests began to moderate.

A notable report was submitted in May 1992 by Dr. James Austin, working through the National Institute of Corrections. Although the study on which it was based was carried out with a very modest amount of effort, several of its conclusions appear valid today. ILPP recommends that the County Commissioners review this study, particularly with regard to the following points:

- The youth population is growing more rapidly than the young adults. The number of potential adult offenders will be steady until about 2000 but will then begin to rise sharply.
- The reason for the increasing jail population is an increase in the average length of stay rather than an increase in jail bookings.
- The length of time to disposition in Superior Court needs to be examined, as it impacts the pretrial felony population.
- Bail is not set consistently and there are few sentencing alternatives. The bail investigator lacks adequate resources.
- A pretrial services agency should be established, and post-trial sentencing options should be expanded.
- The Local Law & Justice Council (LLJC) should develop a long-term criminal justice plan, supported by statistical data and exploring various future scenarios. Spending priorities should be established.

ILPP would second the last recommendation, in particular, and would go beyond it to urge that the justice agencies and the County Commissioners strengthen the lines of communication among themselves to improve planning and reduce the types of misunderstanding that were implied at several points in the present study.

B. PRESENT STUDY

There are a number of promising recommendations in this report which may significantly alter jail staffing needs. Examples include facility modification, expanded alternatives to incarceration programs and potential changes in public policy governing the arrest of minor offenders including drug users. Pending the complete reorganization of a county operated Department of Corrections, and the implementation of other recommendations, jail staff vacancies should be promptly filled as they occur. Doing so will insure a continued good inmate/officer safety record in the Yakima County jail.

1. Jail Staffing

There were 111 authorized jail staff positions as of August 1993 (Table 2.1). Ten of these positions were newly authorized, however vacancies and the assignment of three security officers to the Home Detention Program reduced the effective security strength to a net gain of approximately four positions. Through 1992 and 1993 the jail security staff have kept the jail under control, albeit with some overtime. Expenditures for overtime, however, were within the 1992 budget.

Recommendations

- a. Maintain jail staffing level at 111 pending completion of DOC reorganization.
- b. Reassess need for three full-time staff members assigned to the Home Detention program, unless program is significantly expanded.

2. Impact of Illegal Immigration

The Immigration and Naturalization Service (INS) deports all illegal immigrant felons *only after they have been convicted and the sentence is completed*. This policy includes illegal immigrants convicted of lesser felonies such as possession of drugs or paraphernalia. One INS agent reviews the county jail arrest log on a daily basis for the purpose of identifying those who qualify for deportation under INS policy. There is currently no funding problem adversely impacting this activity. INS, under current policy, does not deport illegal immigrants convicted of misdemeanors. The US Border Patrol (USBP), on the other hand, will deport convicted misdemeanants. (There are two USBP agents in Pasco and two assigned to Wenatchee.) The problem is arranging transport for the illegal immigrant misdemeanants. (The INS currently rents a bus for deported felons which is driven by agents to Sacramento. At Sacramento two local INS agent drivers take over and the Washington agents fly back to their home office.) Negotiations between the Border Patrol and various county jail authorities are currently underway to develop a cooperative plan for the return of convicted misdemeanants who are illegal immigrants to Mexico under the auspices of the Border Patrol.

The population affected, however, will be less than the 50 percent figure often used when estimating the illegal immigrant jail population. According to a local INS agent, when felons classified as illegal immigrants by jail staff were recently interviewed, only nine out of a

group of 25 qualified for deportation. This ratio could also apply to the misdemeanant group. There would also be *little immediate impact on jail populations unless the sentencing policy is modified.*

Recommendations

- a. Aggressively continue negotiations with the Border Patrol to arrange pickup of illegal immigrants convicted of misdemeanors.
- b. Explore with Superior and District Court judges the imposition of minimum sentences on illegal immigrant offenders to expedite deportation by INS and the Border Patrol.

3. Jail Contracts

Yakima County jail related contracts and agreements fall into the following categories:

- Reciprocal agreements for housing and transportation of prisoners with the cities of Toppenish, Grandview and Sunnyside. Under this arrangement county prisoners can be housed temporarily in the city jails at no charge and the city prisoners, sentenced to terms longer than 30 days, housed in the county jail with no charge for booking and per diem costs.
- Contracts stipulating per diem county jail housing and booking fees for the cities of Yakima and Union Gap.
- County jail housing per diem contracts covering state DOC and federal prisoners.

State statutes also allow the county to bill the state (after 15 days) for housing certain offenders who violate conditions governing sentences to such programs as DOC Work Release.

Additionally, there are informal per diem housing and booking arrangements with the cities of Wapato, Zillah, Moxee, Mabton, Harrah and Granger. In most cases the foregoing cities house their prisoners in nearby city jails.

The Sheriff has expressed an intention to discontinue the reciprocal arrangements with Lower Valley cities. During ILPP on-site visits in August the reciprocal arrangements were still in place. Each formal

agreement reviewed by ILPP provided for adjustment on an annual basis. Adjustments, however, have occurred at irregular times, and often several years have elapsed between adjustments.

The city of Yakima and Yakima County are currently engaged in a serious dispute over the per diem rate being charged the city for housing prisoners in the county jail who have been arrested on city ordinances. As the city of Yakima has by far the largest police department in the county, the annual total of these fees in recent years represented a significant revenue source for the county.

Table 3.1 Revenue to the County from Yakima City Bookings into the County Jail

1987	\$332,700
1988	\$449,436
1989	\$547,356
1990	\$602,880
1991	\$525,960
1992	\$712,292 (13.4% of the total jail budget)

Although specific recommendations concerning the per diem rate are beyond the scope of work agreement between ILPP and the county, the contract details, and especially the chronology of events as shown in the appendix may be useful to a city of Yakima / county negotiating team. The chronology is based on documents provided to ILPP.

The following summarizes the respective positions of the city and county:

- The city of Yakima proffered \$650,000 for the construction of an additional 100 jail beds in anticipation of a significant reduction in per diem charges by the county.
- The county subsequently recognized that the formula used to calculate the per diem rate was seriously flawed to the disadvantage of the county.
- The city interprets the language in the Memorandum of Understanding (MOU) governing the tender of \$650,000, specifically article 6, "which reflects the actual costs of the new jail facility" as exclusive of the older jail costs.

- The county interprets the language in the MOU governing the tender of \$650,000, specifically article 6, "which reflects the actual costs of the new jail facility" as inclusive of the older jail costs.

The per diem contracts between the county and cities have been based on flawed computation formulas.¹ Costs which have different determining dynamics are commingled. For example, staffing costs, both direct and indirect are unaffected by fluctuations in the number of beds occupied by prisoners. In other words the existing jail structures are staffed by the same number of employees whether the average daily population is 485 or 575. The only costs that can be tied to population are incidentals such as meals, medical services, etc., which do vary according to the number of prisoners being served.

Costs are also different for different facilities because of differing staff ratios. This is much of the basis of the disagreement between the city and Yakima County. However, there is a trap here: if the per diem fees differ between facilities there is a strong incentive to move city inmates to the facility with the higher reimbursement level. Such an incentive conflicts with the standards of professional jail management which would house inmates according to their individual characteristics and not their funding sources.

Furthermore the jail budget figure used in the formula does not reflect all of the county's actual operating costs. Not included in the jail budget are the county's indirect administration costs, and costs of an impending major maintenance program to replace all water pipes in the 1985 structure. Clearly there is a need for a more sophisticated formula that is fair to both the county and the cities housing prisoners in the county jail.

Reorganization of the county jail into a Department of Corrections will require that all jail contracts be rewritten to include the new principals representing the county. A new per diem formula should be applied to all cities (with some accommodation to the city of Yakima which takes into account their investment in the jail annex). One way for this accommodation to take place would be for the county to repay the \$650,000 to the city, over a number of years with interest, and then to use the same per diem rate as with all other cities.

Recommendations

- a. Develop a new per diem formula to be applied to all cities housing prisoners in the county jail. Do not use an average daily population figure (ADP) for a period when the jail is crowded to calculate the per diem rate.
- b. Apply different rates for different alternative programs, e.g. Home Detention, work release, etc. Have the courts determine appropriate fees. Educate all system representatives about how the per diem sentencing system works.
- c. Rewrite all jail contracts to apply to the new jail administrators (i.e., the County Commission and its jail director) and explicitly stipulating the per diem rate.
- d. Formally mediate the dispute between the city and county using a mediator to determine a fair per diem rate and method and schedule of county repayment to the city.

4. Prisoner Transport and Court Services

The transportation of prisoners and court room security during in-custody trials, arraignments and hearings will cost the county \$558,816 in 1993. The overall magnitude of these costs is largely the consequence of Yakima County's decentralized court system. Public policy concerning the prosecution of prisoners arrested in other jurisdictions on warrants issued for minor offenses also is a factor in prisoner transportation costs.²

The transport/court services unit consists of nine security officers and sergeant. The unit is responsible for prisoner delivery from the county jail to the Superior and District Courts and their return to the county jail when the proceedings are concluded. Officers assigned to the unit also attend the courts at the request of a judge who is concerned about the risk of violence, as in certain domestic violence cases even though the defendant is not in custody. They also respond when a defendant, not in custody, is remanded to jail by a judge.

Twice weekly, officers are assigned all day to the cooperative transport system which is a statewide joint endeavor by counties to share prisoner transport duties in an efficient and systematic manner. Multiple daily runs are made to Lower Valley jails and courts. There are two scheduled

round-trips and often unscheduled runs to the Lower Valley. Other transport runs are made to the hospital and juvenile facility. Transport officers are used for guard duty at the hospital and they provide relief for security officers assigned to various posts in the jail and jail annex.

Several Yakima county officials have expressed an interest in privatizing the prisoner transport tasks, in apparent reference to having a privately owned firm provide transport and security services under contract. The private transport option attracted attention from criminal justice officials in the late 1980s.

There are formidable obstacles to contracting with a non-governmental entity for prisoner transport. In order to minimize liability risks, the county would have to set training standards, conduct background investigations of employees, inspect vehicles, etc. The training alone would present a prospective contractor with major start-up costs and salaries would have to be high enough to minimize turnover. The employees would have to carry weapons and the county would likely remain a party to any liability litigation. All of the foregoing would have to be reduced to written specifications for use in a request for proposals (RFP). ILPP was unable to locate any for profit enterprises actively engaged in transporting prisoners between jails, courts, prisons, hospitals, etc. In the absence of any successful examples of privately operated prisoner transport firms providing the kind of services now furnished by the Transportation/Court Services Unit the concept may not be a practical option for the county.

There are, however, other options which could lessen the county's financial burden. One approach involves the use of retired law enforcement and security officers as contract employees who would perform tasks currently assigned to the Transportation/Court Services Unit. There would be substantial savings in fringe benefits and some of the inefficiencies associated with the ebb and flow of demand could be eased through part-time scheduling of the contract employees. There are successful examples of government entities using retired contract employees in a variety of positions.

Making full use of Courtroom #2 in the jail basement of in-custody trials would also reduce movement of prisoners outside of the jails and coupled with other efficiencies such as the use of retired officers under contract could permit a reduction in the number of security officers assigned to the function.³

Recommendations

- a. Contract with retired officers for security and prisoner transport.
- b. Use Courtroom #2 for in-custody trials on a daily basis.

5. Substance Abuse

After length of sentence, the other major public policy issue affecting jail population is the criminal justice system emphasis on arresting, jailing, prosecuting and sentencing substance abusers. In Yakima, grant and self generated funds drive a vigorous drug task force program. In 1992 there were 805 controlled substance cases prosecuted in Yakima County courts. Of these, 384, or 48 percent of the total, involved either possession of a controlled substance or the attempt to purchase it. The "attempts-to-purchase" arrests were the product of sting operations where an undercover officer was approached by users who tried to buy the controlled substance. Most of the arrestees of this type of operation were issued summons, but most of the other users were jailed for varying periods of time. In most cases these pretrial felony detainees wait in the jail for the minimum nine days it takes to process the case for trial.

The jailing of persons who are addicts serves little purpose unless there are treatment options in place. Surprisingly, a public opinion report based on a study involving representative groups involved in four regional pilot studies (one was in Yakima) suggests that "the public would support reduction of the [sentencing] range for drug offenses...."⁴ Most of the participants supported treatment alternatives in lieu of incarceration. The polled group saw incarceration as "very expensive, unproductive, disabling, and ineffective in preventing offenders from using drugs."⁵

Recommendation

- a. Divert to treatment programs those arrested for drug possession or whose offenses appear to result from substance abuse.
- b. Expand use and number of substance abuse diversion programs for eligible offenders (without extensive criminal histories, no history of drug sales, non-violent, etc.).

- c. Investigate the availability of funding from the National Institute of Health and other agencies which have grant money available to establish and operate such programs.

6. Pretrial and Sentenced Alternatives

Alternative programs cost money to implement but pay for themselves because they postpone the day when new jail beds must be added. In that way they provide a much less expensive way of controlling offenders than ordinary incarceration. They also have the potential to reduce recidivism, making thereby a further, though hard to measure, contribution to population control. Unfortunately, Yakima County has very few alternatives to jail at this time. There is a house arrest/electronic monitoring program which can accommodate 25 to 30 inmates at a time. Although it is much less expensive than incarceration, the county has not responded to the jail's request for expansion of electronic monitoring. Other jurisdictions commonly employ a number of options such as home detention (with or without electronic monitoring), work release, and work crews. In addition there is a particular need for substance abuse programs, given the substantial contribution of abusers to the jail population.

Pretrial release of non-dangerous defendants who seem likely to return to court is also widely used. Yakima County once had a pretrial release pilot program, but now uses only bail release, thereby eliminating the possibility of release for inmates without financial resources.

Alternatives to incarceration have gained wide use throughout the United States because they provide a jurisdiction with appropriate and effective responses to crime that are less expensive than jail. In Yakima County, the lack of county commitment to alternative programs as advocated by the jail may be partly due to its inability to quantify and see savings in these programs. Inherent to a recommendation to expand and establish use of pretrial and post-sentence alternatives to incarceration is the recommendation that the county thoroughly research how such programs can save a substantial amount of money and provide the county with influential jail population management tools.

Recommendation

- a. Institute pretrial and sentenced release programs and substance abuse diversion programs. These could be either run by the county or privatized.

- b. Expand Home Detention program by purchasing more bracelets.
- c. Develop a work release program and establish eligibility criteria for participation.
- d. Develop a work crew program.
- e. Develop an intensive supervised probation program.
- f. Provide for additional bail investigators to allow addressing the heavy volume of misdemeanors in the system.
- g. Consider reorganizing the bail investigator office into a pretrial release agency with more resources to address both a broader volume of case types for bond adjustments and for administering OR and other pretrial release programs.

7. Criminal Justice System Management

As long as the criminal justice system remains an assemblage of independent players there will continue to be serious coordination problems. Justice will cost too much and will deliver too little. Some of this is inherent in the adversarial system and in the hierarchical structure of criminal justice agencies; change may evolve as information networks begin to override the bureaucratic rigidities. But even at this time there is a need for all of the players involved, especially the County Commission, since they oversee the budget, to place themselves on the same side of the problem. The struggle rightfully is not with each other but with the threats to public safety.

Consultants observed a number of memoranda from department heads and the Commissioners which attest to a serious and mutual lack of understanding. Interviews corroborated that impression. Misunderstandings at this level have had a substantial impact on the effectiveness of criminal justice operations. This may speak to the organizational structure of the county's government which does not include a county administrative officer.

While conflict and disagreement are inherent in organizations and in fact are a means of discovering through debate the best solutions, a lack of communication and thorough understanding of each other's responsibilities and expertise can entrench long-term management and budget problems.

The members of the Law & Justice Council and the County Commission each have a tremendous responsibility for the effective administration of criminal justice. There is, however, no single leader responsible for assessing and implementing system priorities. Furthermore, while the Commission has budgeting responsibility for criminal justice, there is little understanding of criminal justice needs and cost-effective approaches to crime management. Finally, while the Law & Justice Council provides an excellent forum to exert leadership over the system the County Commission does not play an active role in the group's proceedings.

Recommendations

- a. The County Commissioners should actively participate in the Law & Justice Council by attending Council meetings. The Commission might appoint one Commissioner as the designated Commission representative, or attendance might be rotated. It is crucial, however, that the county not delegate attendance to a county government representative who is not fully authorized to make financial decisions.
- b. The county's jail director should be made a member of the LLJC.

8. Jail Consolidation

The main jail, though it is less than ten years old, has serious maintenance problems. One of these is due to the use of substandard water pipes which now leak. Replacement of this piping would be facilitated by closing an entire floor of the jail at a time. For as long as the jail is not full, Consultants believe that it would be possible to make this semi-permanent. Shutting down an entire floor and double-bunking to accommodate the displaced inmates would allow the saving or reassignment of ten to eleven staff positions. Some of these could be used to set up the alternative programs which now lack personnel to operate. This might be a "bootstrap" operation if the alternatives are needed at the outset in order to reduce the population to the point where a floor could be closed and the staff reassigned.

Recommendation

- a. Explore in detail the closing of at least one floor of the jail and reassigning the personnel to incarceration alternatives.
- b. Estimate the cost savings of this option.

C. COUNTY DEPARTMENT OF CORRECTIONS

ILPP recommends that Yakima County create a county Department of Corrections, headed by an appointed official reporting directly to the Board of County Commissioners.

This report documents the defining characteristics of the county's criminal justice system, primarily in the impact on jail efficiency and effectiveness. The picture of the system that emerges is one that foretells a future of rising jail costs with little effect on crime and at the sacrifice of other county services.

- Yakima County may be facing a serious budget deficit and has limited revenue growth. Budget cuts have been made in major areas including criminal justice.
- The cost of criminal justice in Yakima County is about 70 percent of the county's budget and has been steadily increasing.
- The jail is the single most costly criminal justice element.
- The cost of operating the jail has risen significantly over the last decade and shows no correlation with increases in crime or arrests.
- The population of the jail has shifted markedly from one containing primarily pretrial felons to one containing sentenced misdemeanants and lesser offenders.
- Rapid jail population growth is occurring more because jail bed capacity was increased than because of increases in crime or arrests.
- Although housing an offender in a high security jail building is the most expensive form of addressing crime, the county has few other options to choose from.
- Despite outside studies and requests for programs which would present less costly forms of housing and punishing offenders, there has been no funding or serious support of these programs by the county.

- There is no direct line of communication between the jail administrator, who identifies budget needs, and the County Commissioners, who directly authorize budget requests.
- There is a long-standing climate of mistrust and misunderstanding among the criminal justice system and the county's administrative government.
- The Yakima County jail, third largest in the state, provides custody services to the cities of Yakima County and state and federal agencies. The contracts written to administer these relationships are complicated and in some cases flawed in determination of fees.

The county has limited resources, the criminal justice system takes up a disproportionately large amount of money, and the budget officers of the county are not criminal justice or correctional experts. These are the underlying reasons supporting the formation of a county-operated Department of Corrections.

While it may seem contradictory to advocate that the county run the jail if it is not expert at it, the reasoning is very simple. By being *directly* responsible for the running of the jail the county must become thoroughly familiar with the nuances of effective jail management. A second benefit to the transfer is that the county can more effectively weigh the jail's budget relative to other budget items to make the most reasonable and logical decisions possible.

By operating the jail, the sheriff is placed in two conflicting roles. It is the duty of law enforcement to apprehend as many offenders as it can catch; yet an important aspect of jail administration is control of the jail population (through releases, alternatives, etc.) so that it does not exceed the available resources. Since the prosecution and defense are in control of the rate at which offenders move through the system, the jail should also work with these offices to expedite the judicial process. While it is not impossible for a sheriff to pursue both of these ends, the contradiction between them can mean in practice that one of these goals becomes subordinated to the other.

Recommendations

- a. Immediately begin and orderly transfer of responsibility for operation of the jail to the county.

- b. Immediately initiate further practical and specific studies of how this recommendation will be implemented.
- c. Immediately develop a transition plan for the transfer.
- d. Initiate a national and local search for a director of the Department of Corrections. The director must have a system-wide perspective of criminal justice and be able to work effectively with the other officials in the criminal justice system.
- e. Prioritize jail management recommendations in this report and those emerging from the DOC implementation study. Make it the responsibility of the DOC Director to create an overall plan to address these priorities as well as solicit feedback from the Law & Justice Council.

NOTES

¹ The per diem figure is determined by dividing the total annual budget by 365 (days) and then dividing the per day budget figure by the average daily population (ADP) of prisoners in the jail.

² Currently, the Sheriff's Office will transport, from any Yakima County jurisdiction, all persons arrested on warrants including those with modest bails under \$500. The rationale for not transporting out-of-county offenders is that it is not cost-effective to transport offenders when the cost of transporting them exceeds the cost of the offenders' bail and the seriousness of the crime.

³ Currently Courtroom #1 is in service Monday through Friday. In the morning between 8:30 AM and 11:00 AM Superior Court holds various hearings. In the afternoon from 1:30 PM to 4:30 PM District Court arraignments are heard. Courtroom #2's only scheduled use is on Friday mornings from 9:00 AM to around 10:30 AM or 11:00 AM for SCV hearings (violators of conditions of sentence). Courtroom #2 also is periodically used for in-custody trials where security is a concern. SCV hearings have also been heard in another basement room on occasion.

⁴ "Opinions on Sentencing in Washington: the Results of Four Focus Groups", Washington State Sentencing Guidelines Commission, March 1993, p. 11

⁵ *Ibid.*, 10.

APPENDIX A

Appendix A: Contracts with the City of Yakima

Contracts and correspondence related to county jail housing and booking fees were made available for Consultants review. The documents cover a period starting in 1984 when the per diem housing rate ranged from \$22 to \$38 and the booking fee was \$10. In 1986 the per diem housing fee was reduced to \$34 in the Union Gap contract. Later in the same year a contract with the city of Yakima established a per diem rate of \$33 and the booking fee was adjusted upward to \$17.90. In 1992 the per diem rate for federal prisoners was set at \$50 with a \$17.90 booking fee.

On December 22, 1987 the city of Yakima and county executed an agreement establishing the following fee schedule for city prisoners, charged with violating city ordinances, who were booked and held in the county jail; seventeen dollars and ninety cents (\$17.90) for the booking of each prisoner and thirty-three dollars (\$33.00) for each day of incarceration. It provided for an annual re-computation, in August, of the daily rate of booking fee based on "actual budget expenditure for previous year divided by the average daily population through June 30th of current year." The contract further provided "the duration of this agreement shall . . . continue until December 31, 1994 unless otherwise terminated pursuant to RCW 70.48.090. This agreement may be modified by the parties from time to time only in writing signed by the parties."

July 16, 1991, Sheriff Blair in a letter to Yakima City Chief of Police Green provided his "estimate" that the per diem rate, if the planned 200 bed jail annex were enlarged to 300 beds, would be \$26.40.

July 25, 1991, Yakima Mayor Pro Tem Buchanan, in a letter to Commissioner Chairman Alex Deccio, agreed to a city contribution of \$650,000 to the new jail annex building fund so it could be enlarged by 100 beds. The Mayor agreed to pay a per diem rate "mutually agreed upon" by the Yakima City Chief of Police and County Sheriff. He parenthetically noted in the letter that "the daily rate quoted by the Sheriff in his memo of July 16 to the Chief of Police was \$26.40."

August 13, 1991, the County Commissioners and city officials execute a MOU committing \$650,000 to the jail annex project subject to certain conditions including Article 6 . . . "any bed space used by the city will be paid for at a daily rate to be agreed upon by the Yakima County Sheriff and the Yakima City Chief of Police which reflects the actual operating costs of the new jail facility." The Yakima Sheriff's signature does not appear on this document and there is no reference to the initial 1987 contract which does not expire until 1994.

February 7, 1992, Yakima Chief of Police Green, in a letter to Sheriff Blair refers to a letter from the Sheriff (not provided to Consultants) which indicated the county's intent to open negotiations over the per diem prisoner housing rate. Accompanying documentation presented a suggested increase to \$45.00. Chief Green questioned the methodology employed by the county, requested additional documentation concerning the methodology and suggested further discussion on the issue.

Since that date there have been several offers and a counter-offer between the parties but no resolution. The fees remain as established in the 1987 contract between the city and county.

APPENDIX B

Appendix B: Jail Costs and Alternatives

Yakima County, like virtually every other jurisdiction studied by Consultants, is presently faced with the need to impose strict controls on its expenditures. As described, the criminal justice system consumes most of the general funds of the county, so it is an area where economy must be sought. The jail is no different from other scarce resources: its use must be allocated to the highest needs. The public must be protected from the serious violent criminals (fortunately there are not too many of them), but there will never be enough public money to build and staff maximum security jail space for all of the minor offenders.

One alternative is the use of medium and minimum security jail space, such as the new jail annex in Yakima County. Medium and minimum security facilities are no more than jails designed for inmates who are identified, through proven classification techniques, as less likely to escape, assault each other or the jail staff, or destroy county property. These facilities are somewhat cheaper to build and operate than maximum security, but they still subject the inmate to the jail experience.

Yet it is possible to find other, even less expensive, ways to deal with minor offenders which in no way condone their crimes. Such alternatives can have the double advantage of lower cost and a lower rate of recidivism. Indeed, for many offenders the jail experience provides very little incentive to reform themselves. The makers of laws do not always recognize that the breakers of laws differ from them in at least one important way: the majority of criminal offenders do not assign a high value to distant and uncertain events. The possibility of a remote future jail sentence is not enough to deter them from the immediate satisfaction that results from a successful crime. For some, indeed, jail time is part of the initiation into manhood. And serving time in jail is poor preparation for life on the outside since it does not promote responsible decision-making and may make them worse after they have served their time. In particular it is of no value whatsoever for most serious drug abusers; they will simply revert to their habits when the drug again becomes available. For offenders of this type, jail is an expensive way of achieving negligible results.

There are, indeed, some offenders who are dedicated career criminals, and about all that can be done with them is to incapacitate them until they grow too old to succeed at it any more. However, many offenders make a nominal commitment towards reforming their behavior but do not have the self-control or strength of character to carry it out. Such non-dangerous offenders can learn better about how to behave themselves in a situation more closely approaching ordinary daily life such as a work crew, work release, home detention, or other supervised program. Working also allows an offender to earn some money with which to make restitution to the victims. Substance abusers and other compulsive personalities need additional support specifically directed toward overcoming their addictions.

None of these programs is guaranteed to work; criminality appears to develop at an early age and is very hard to overcome. Yet with competent supervision and reasonable caseloads the weak-willed offender may be guided into more productive channels. Alternative programs do not spring up by themselves; they have to be organized and funded. They are not free — but they are cheaper, and, if properly run, ultimately more likely to reduce recidivism — than straight incarceration. And, interestingly, home detention and electronic monitoring are viewed as *more* punitive than jail by some offenders since they are exposed to temptations and must restrain themselves from succumbing. Jail also provides regular meals, medical care, heat, and air conditioning to some who do not have these amenities at home.

Thus the most valuable use of a high-security jail is as a place to detain those who are likely to prey upon others if they are released, and to ensure the appearance in court of those who seem likely to flee if given the chance. It is of course needed to hold persons who are to be transferred to other jurisdictions, and it may be an appropriate setting in which rehabilitative programs can be offered to those who would not reliably attend them on the outside. As a scarce resource, the use of a jail should be limited to the highest uses and less expensive alternatives should be supplied for the others.

A word on the cost of jail time is in order here. Jail costs are often quoted in terms of dollars per day or year per inmate; that is done even in this report. However, such figures mean less than they may seem to. It is easy to divide the total operating cost of a jail by the average number of inmates. The problem is that this procedure says very little about what it would cost to add more inmates. Most of the cost of a jail lies in staffing it around the clock with guards and support staff. When all of these are in place, the average cost may be \$36 a day, but adding one

more inmate does not raise the cost by \$36 because there will be no change in staffing. The actual increase — for food, clothing, medical services, etc. — is only a few dollars a day. However, if the population of an already saturated jail increases by 100 inmates there can be a very substantial cost increase since a new facility will have to be acquired and put into operation.

Comparative jail costs are likewise misleading. There are economies of scale since even the smallest jails require a minimum level of staffing. The safe operation of some older facilities is much more staff-intensive, and thus much more expensive, than that of well-designed modern jails. For those reasons a comparison of average costs among jails of different sizes and configurations does not necessarily reveal the relative efficiency of their managements. Furthermore the construction costs are not necessarily included in such comparisons, and if they are there are several ways to express them.

Average jail cost figures are useful in long-term planning. In any jurisdiction where the number of jail inmates is growing, it will eventually become necessary to provide more jail space. Jails come in relatively large increments, not one bed but fifty, a hundred, or even more. A nominal cost of constructing and staffing such an increment can be estimated. If it is debt-financed, a 100-bed maximum security facility might cost something of the order of \$1 million a year in amortized construction costs and \$3 million in operating costs. (Note that operating costs greatly exceed construction costs.) These costs are relatively insensitive to the actual number of inmates in the facility. **Any program which reduces the number of jail inmates will postpone the day when such a facility must be acquired, saving the county in this example \$4 million per year.**

Given that there is no great demonstrable benefit from keeping many jail inmates confined for more than a few days, it is clearly in the public interest to avoid such massive expenses when possible. The problem, of course, is that the public demands punishment without giving thought as to how it is to be paid for. County decision-makers need to educate the public to the fact that their taxes are being spent unproductively and that ostensibly less punitive options will in fact be of more benefit to them in the long run.

APPENDIX C

Appendix C: Additional Data

Figure C.1 Yakima County Jail Population

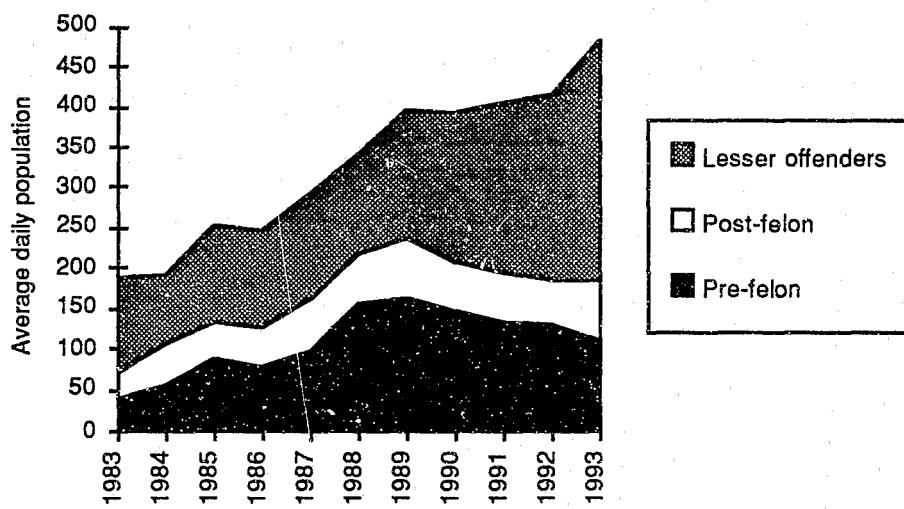


Figure C.2 Yakima County Jail Population By Adjudication Status

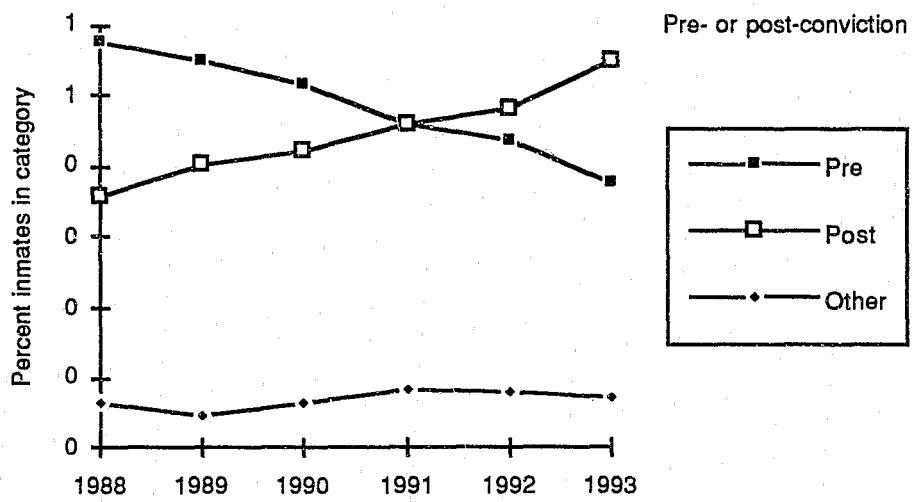


Figure C.3 Yakima County Jail and Sheriff Staffing Costs

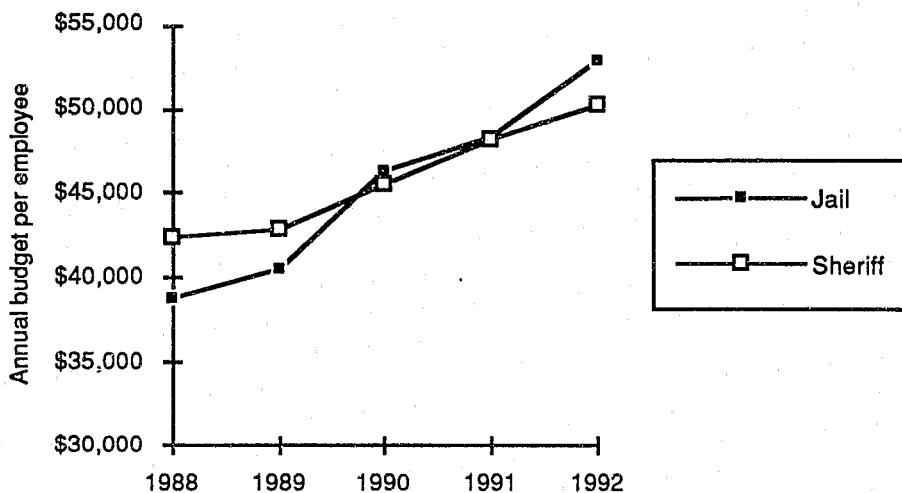


Figure C.4 Yakima County Jail Population Capacity

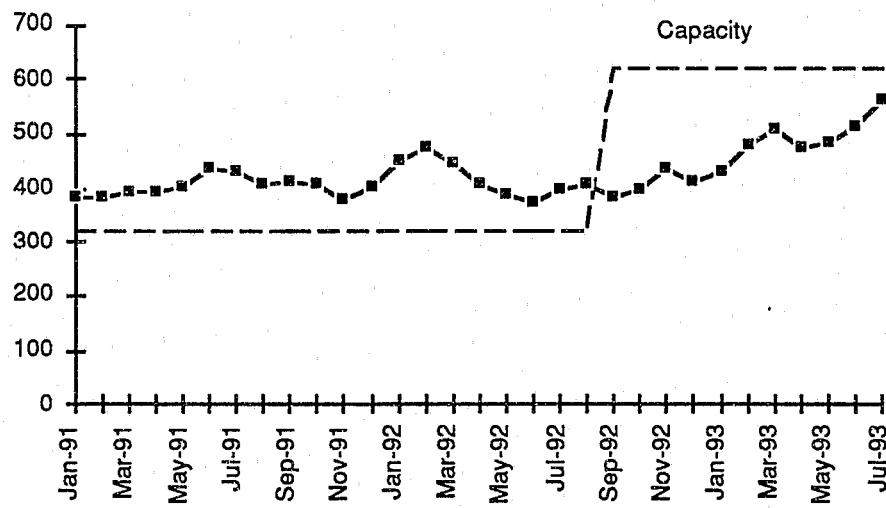


Figure C.5 Yakima County Jail Population Average Daily Population

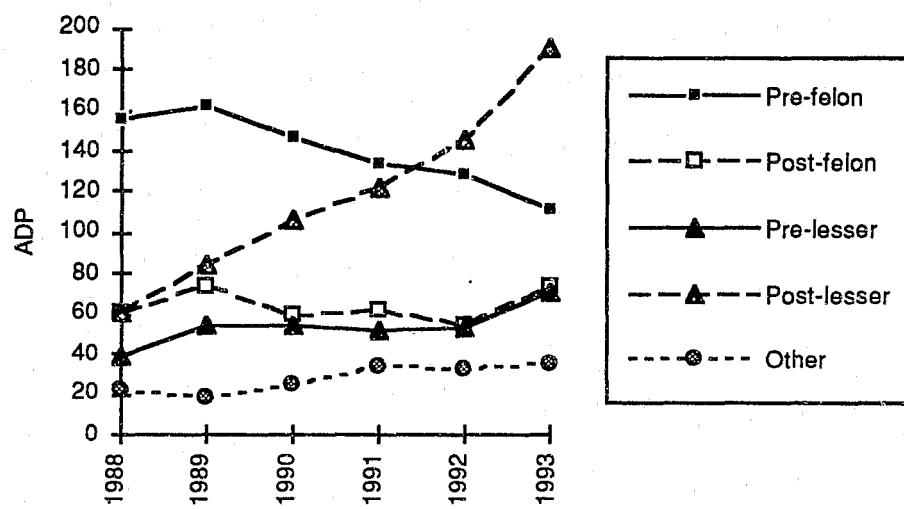


Figure C.6 Yakima County Jail Population By Level of Offense

