



FINAL REPORT

Issued To:

Jeff Sax – Chairman Law & Justice/Human Services Committee

Copies:

Performance Audit Committee
Council and Executive Offices
Law & Justice Cabinet

From:

Performance Audit Division

April 5, 2004



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Date: April 5, 2004

To: Jeff Sax – Chairman Law & Justice/Human Services Committee

CC: Performance Audit Committee
Council and Executive Offices
Law & Justice Cabinet

From: Martin T. Standel – Performance Auditor

Subject: Final Report – L&J Cabinet Project Efficiencies
(FCS04-L&JCabinet-2003)

This Final Report represents the results of our review of the several efficiencies projects currently under evaluation by the Law & Justice Cabinet. At the October 21, 2003 meeting, the Performance Audit Committee (PAC) authorized the performance auditor to review potential efficiencies resulting from projects currently identified by the Law & Justice Cabinet. The committee's primary objectives for this review were to: 1) list the current Law & Justice efficiency projects approved by the Law & Justice Cabinet, and 2) develop preliminary estimates of potential savings and associated implementation costs.

Our review approach was to conduct interviews with key personnel associated with each identified project, to test and validate information received, and where applicable, to provide explanatory graphs and tables, findings and opinions. We used government auditing standards (GAGAS) established by the General Accounting Office as our principal guidebook.

Adhering to PAC policy 7.0, we issued our Discussion Draft Report on February 17, 2004 and our Draft Report on March 5, 2004. Per GAGAS (GAO Standard 6.43), we have included all formal written responses into the Final Report.

Our review of Snohomish County's Law & Justice Departments indicates an overall understanding of the problems and their complexity and magnitude. We indicated potential annual savings in excess of \$1,000,000 which might be achieved if current program efficiencies as identified by the Law & Justice Cabinet are fully implemented and maintained. However, these potential savings may require Snohomish County to revise its current approach in coordinating, managing and implementing those projects.

This report has become a catalyst to increase and encourage dialog among the various departments within Law & Justice in Snohomish County.

We wish to thank the many individuals who provided data and allowed interruption to their busy schedules to answer questions.

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Savings potential in excess of \$1,000,000	Potential Savings: Annual potential savings in excess of \$1,000,000 might be achieved if program efficiencies as identified by the Law & Justice Cabinet are fully implemented and maintained. However, these potential savings may require Snohomish County to revise its current approach in managing and implementing L&J Efficiency projects.
County efforts need to be commended; however ongoing challenges need to be overcome	Efforts to be Commended: County management, Department heads and Electeds are to be commended in their efforts to reduce the portion of County General Funds allocated to Law & Justice functions. This Law & Justice area of County operations has been subjected to several consultant studies prior to this report. The results of these studies (including this report) shows that the problems are identifiably recognized and that resolutions are being developed. However, the complexity of these problems, coupled with limited resources and multi-layers of program oversight, makes resolution lengthy, complex and challenging.
Multi-layers of management oversight has diluted or delayed potential efficiencies and savings	Need for Better Coordination: Net consequence of all the efforts to find and implement efficiencies within the Law & Justice arena has been the establishment of multi-layers of oversight by the Executive, Legislative, and Judicial branches. In turn, these multi-layers appear to have diluted or delayed the ability of the County to deliver and/or implement Law & Justice program efficiencies. The coordination of program management with appropriate and sufficient authority could provide the necessary program control to maximize the County's ability to execute program efficiencies within the Law & Justice arena make decisions within established appropriate budgetary limits set by the County Council. This in turn should focus efforts on more timely implementation and thus faster realization of cost savings. Oversight coordination would provide enhanced program prioritization along with greater ability to estimate costs and savings.
Coordination of multi-layers will increase program efficiencies and accountability	Recommendation: In order to enhance the County's ability to provide Law & Justice services in a way to achieve cost efficiencies, the County should consider centralization and coordination of several committees reviewing specific areas dealing with Law & Justice. The Law & Justice Cabinet which has representation from the Executive, Council and Judicial branches would appear to be the ideal group to act as coordinator. For example, other independent oversight committees could coordinate with the Law & Justice Cabinet to implement program efficiencies as recommended and funded through Council authorization. The County Council in addition, could authorize some level of autonomous budgetary authority to the Law & Justice Cabinet allowing for funding of selected programs and/or projects for implementation, thus reducing costly delays due to current approval process and multi-layers of oversight. The basic tenet of that decision making process should look at cost vs. savings due to improved program integration. If the costs associated with the proposed



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project are less than the costs associated with maintaining current County operational policy, that project should be considered for approval.

Appreciation

We wish to thank the many individuals who provided data and allowed interruption to their busy schedules to answer questions.



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I. Introduction

**SCC 2.700.40
Provides PAC
authorization to
approve projects**

Project Authorization:

Under SCC 2.700.040, the Performance Audit Committee (PAC) is authorized to identify areas to be included in the performance auditor's annual workplan. The PAC at its October 21, 2003 meeting authorized the performance auditor to review potential efficiencies resulting from projects currently identified by the Law & Justice Cabinet. This review has been assigned the file number: FCS04-L&JCabinet-2003.

**Preliminary
Estimates**

The committee's primary objective for this review was to: 1) list the current Law & Justice efficiency projects approved by the Law & Justice Cabinet, and 2) develop preliminary estimates of potential savings and required implementation costs or investments.

**PAC is
comprised of 8
members**

Performance Audit Committee:

The PAC is comprised of 8 members. Each Councilperson appoints one member from their district and the County Executive appoints two members at large. The committee is chaired by the elected County Auditor.

**Specific
Questions**

Specific Questions/Requests Asked by the PAC:

When a project has been requested, the performance auditor prepares and submits a "Record of Request" for the PAC's approval and authorization. As part of that approval process, the PAC may identify specific questions or ask for specific information. Those items requested by the PAC were:

- Define and list the efficiency projects.
- Can estimated savings and implementation costs be developed?
- If so, are estimated savings greater than estimated implementation costs?
- Are those estimated savings one-time or ongoing?

**Risk Assessment
as outlined in
PAC Policy 7.0**

Risk Assessment:

Upon approval by the PAC, a risk assessment is performed to identify the work program scope, and methodology. Based on that assessment, it was determined that this project would be defined under PAC Policy 7.0, as a Special Study. In addition, that type of study is authorized under GAO's Government Auditing Standards as an "Attestation Engagement".

**GAO – Yellow
Book 2003
Revision**

Generally Accepted Government Auditing Standards (GAGAS):

This review was conducted using generally accepted government auditing standards as outlined by the GAO's Government Auditing Standards 2003 Revision (Yellow Book). Those standards require the performance auditor to maintain competence, integrity, objectivity and independence; therefore, as necessary, we perform tests, validate data and information, provide opinions and make recommendations as necessary, and when required.

**Chapter 1.13
Attestation
Engagement**

GAGAS also allows "Attestation Engagements" which may contribute to governments' accountability for the use of public resources and the delivery of services (Government Auditing Standards, Chapter 1.13). An attestation engagement allows an examination, a review or an assertion about a subject



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area.

GAGAS Chapter 1.11 identifies: “The concept of accountability for public resources is key in our nation’s governing process...the public wants to know whether, 1) government resources are managed properly and used in compliance with laws and regulations, 2) government programs are achieving their objectives and desired outcomes, and, 3) government programs are being provided efficiently, economically and effectively.”

**Report
Distribution and
Public Disclosure
Information
(RCW 42.17.310)**

Public Information:

This report is intended to provide information to County citizens and management. The report is a matter of public record, and with the exception of public disclosure exemptions in RCW 42.17.310, distribution should not be limited. Information extracted from this report may also serve as a method to disseminate information to the public as a reporting tool to help citizens assess government operations. Responsible officials review all audit division reports internally and their formal written responses are incorporated into final reports as a policy of the Performance Audit Committee and government auditing standards (GAO Standard 6.43).

**GAGAS
Chapter 6
General Field
Work**

Review Methodology and Approach:

Auditing standards as identified under GAGAS Chapter 6 General Field Work state in (Chapter 6.02), “In an attestation engagement, auditors issue an examination, a review, or an agreed-upon procedures report on a subject matter, or an assertion about a subject matter...”

**Conduct
Interviews**

Our review approach was to conduct interviews with key personnel associated with each identified project. We also worked closely with the Law & Justice Cabinet Analyst to minimize disruption of key staff and duplication of effort. As appropriate, we tested and validated information received. Where applicable, we provided data, findings and opinions. When relevant, we quantified our findings if they could be supported by our fieldwork. Overall we used GAGAS as our principal guidebook

II. Background

**Law & Justice
fastest growing
component in
General Fund**

County Law and Justice Operations (L&J):

L&J is the fastest growing component within the General Fund. The General Fund (GF) revenue dedicated in supporting L&J over the past several years has resulted in reduced opportunities for service expansion or program growth in the non L&J GF County Functions. General Fund Expenditures are divided into four functional areas of operations:

1. Law & Justice
2. Financial & Central Services
3. Infrastructure & Development
4. Human Services

Exhibit 1 identifies the portion of the 2004 adopted budget allocated to each of these functional County operations.



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68.9% of 2004
Adopted Budget
dedicated to L&J

Exhibit 1: General Fund Breakdown by Area of Operations

County Function	2004 Budget
Law & Justice	68.93%
Financial & Central Services	18.70%
Infrastructure & Development	8.38%
Human Services	3.99%

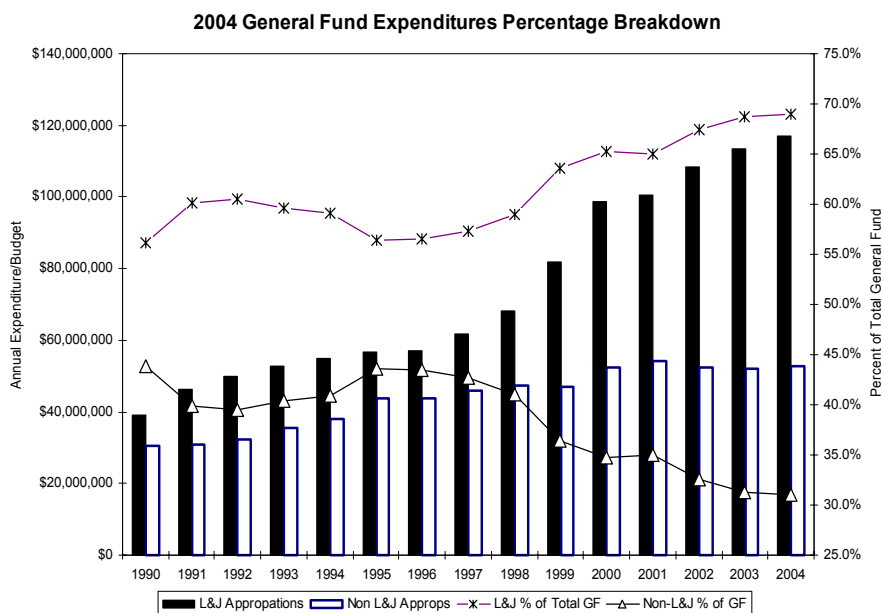
Source: Data provided by Finance

19% Increase
over mid 1990's

The portion of General Fund Expenditures allocated to Law & Justice has increased from less than 58% during the middle 1990's to just under 69% projected for 2004.

Exhibit 2: General Fund Expenditures Breakdown (1990 – 2004)

Growth of L&J
vs. other
demands on
General Funds



III. Findings

List of Projects:

11 current
projects being
reviewed by Law
& Justice Cabinet

1. Movement of teens previously booked in jail to Denny Youth Center (DYC)
2. Temporary suspension of Camp Evergreen - (9) Correction Officer's moved to main jail
3. Moving The Ridge Overlap FTE to the main jail when available
4. Number of Corrections Officers for Hospital Escort Duty
5. Training moved to modules (computer based training, etc.) – when possible
6. Arraignment Project



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7. Failure to Appear (FTA) study underway (warrant reduction)
8. Pre-trial Release Project
9. Legal/Financial Obligations Project
10. Driving While License Suspended Diversion Project
11. L&J integration project

The efficiency projects which have been identified by the Law and Justice Cabinet fall within several broad categories. The first one being technologies, the second being process or procedures which will reduce the individual's Average Length of Stay (ALOS), the third being the number of individuals being booked, and the fourth being the cumulative impacts resulting from the first three.

Projects can be classified into the following functional areas

Technologies:

- Training moved to modules, when possible (i.e. computer based training)
- L&J integration project
- Remote booking by police officers

Reduction of Average Length of Stay:

- Arraignment Project
- Pre-trial Release Project

Number of Individuals Being Booked:

- Movement of teens previously booked to jail to DYC
- FTA (Failure to Appear) study underway (warrant reduction)
- Legal/Financial Obligations Project
- Driving While License Suspended Diversion Project

Cumulative Impacts:

- With temporary suspension of Camp Evergreen - (9) Correction Officer's moved to main jail
- Moving the Ridge Overlap FTE to the main jail
- Number of Corrections Officers for Hospital Escort Duty

The key to savings is ADP in Corrections

CORRECTIONS:

Corrections has basically only one method to significantly reduce its operating costs. Costs can be saved if the average daily population (ADP) is reduced, but savings vary based on which facility housed the reduced inmate, and if those reductions are collectively sufficient to allow closure of an existing module or facility.

Not all costs are equal.

Marginal vs. Average Costs: The concept of marginal or average cost is one of the most significant in the criminal justice system. Marginal costs are the incremental costs necessary to add one more inmate. If that inmate can be included in the existing jail facilities and does not require either the opening of another unit or the hiring of more staff, the extra cost is classified marginal. That additional cost would be comprised of items such as food, bedding, basic hygienic needs, and other supplies.

The concept of average cost incorporates total costs. An average cost is the total expenditure divided by the number of inmates. As the population rises or decreases, this cost can be reduced or increased.



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Need for understanding of costs definitions

Therefore, it is vital that County management understand that the accumulated costs of a criminal justice event will not disappear if one offender is removed from the system. It is the savings across the criminal justice system from the arrest, booking, prosecution, defense, court, detention and probation taken together which will result in the greatest savings.

When analyzing potential savings, this concept of average vs. marginal costs comes into play. The cost of maintaining one inmate for one day, without the need to build or hire additional resources is only a few dollars per day (marginal cost). The total cost of operations divided by the number of inmates is the average cost.

Costs savings and the impact ADP

When ADP has been reduced or the new jail opens, Corrections could eliminate the current practice/need of sending prisoners outside of the county. However, that method would only work if the ADP reduction were in the proper classification to accommodate those individuals which are now being sent out of the county. Corrections could also eliminate the need to house individuals in multiple locations. As an example, Corrections could suspend operations at Camp Evergreen or the Ridge. That would save operational overhead for running those facilities, and it might even save some portion of the current overtime. However to maximize cost savings, staffing levels would need to be reduced. In light of the fact that the County is building an additional jail, elimination of staff is unlikely, but a reduction in current ADP may reduce or slow down the need to increase staff. The new facility as of the date of this report, is beyond the point in its construction, to consider modifications.

Sending inmates outside of the County Jail

Corrections can also eliminate the need to send individuals outside the county by increasing capacity as is currently being done by building the new jail. However, costs saved by not sending individuals outside the county would be a function of facility capacity and inmate classification. If the additional capacity can be used by Corrections without the requirement to increase its current staff level, savings might be realized. A further alternative would be to use the potential excess capacity of the new facility as a revenue producing option by competing with other facilities who offer space (rent-a-cell). That option could be used until such time as the County needs that capacity for its own needs.

Cost reductions within the county's corrections system directly stem from reductions in ADP which in turn may allow a closing of excess facilities which may allow permanent shrinking of FTE's. However, reductions in ADP are directly linked to numbers of individuals booked and/or their average length of stay (ALOS). ADP is driven by the number of bookings and length of stay.

How long do the inmates stay in jail

Average Length of Stay (ALOS): In the context of potential savings and project efficiencies, it is essential to understand why the average length of stay is a major controllable building block which has an enormous impact on Corrections. Second to length of stay, but with reduced impacts, is the number of bookings and or average daily population. ALOS as a marker combines the impacts associated with bookings and daily population. On a marginal basis, costs associated to bookings are not significant, but what is meaningful is how long they stay and the staffing needs for their supervision.



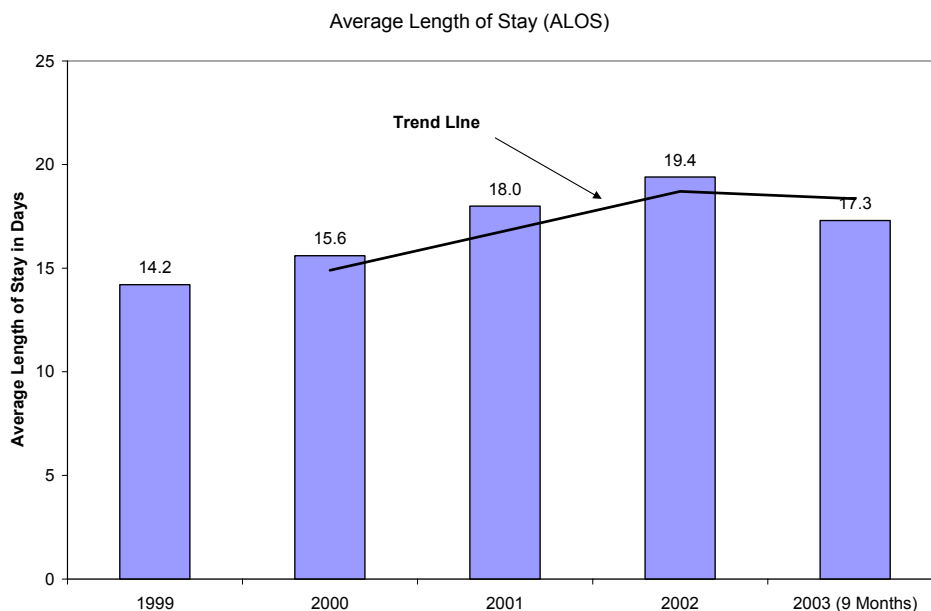
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A beginning reversal of past trends

Exhibit 3: Snohomish County's ALOS for the past 5 years

Year	ALOS (in Days)
1999	14.2
2000	15.6
2001	18.0
2002	19.4
2003	17.3 (YTD Sept)

Source: Data provided by Corrections



Using these mid month data points (count on 15th of each month) the average daily populations for the three years were:

Exhibit 4: Average Daily Population (Mid Month Data)

Total inmate population is declining

Year	ADP
2001	997
2002	984
2003	884

Source: Data provided by Corrections

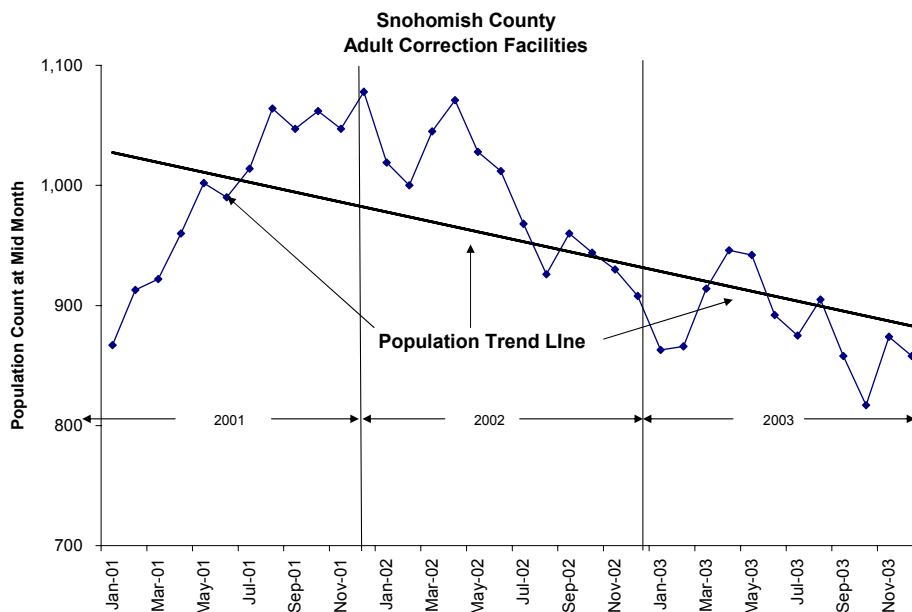
Exhibit 5, on the next page shows the trend line, using mid month data, on daily jail count between January 2001 and December 2003.



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Exhibit 5: Trend Line of Daily Jail Count (January 2001 – December 2003)

From over 1,000 inmates to less than 900 during the past three years



Source: Data was from Corrections (Daily Count)

A reduction in the ALOS between 2001 and 2003 equals 100 inmates

Between 2001 and December 2003, the ALOS was reduced by 2.1 days. That reduction translates into an average daily population reduction in the magnitude of 100 individuals.

This reduction has saved the County in excess of \$800,000 annually

If the various proposed efficiency projects, being implemented and tested do result in a further reduction in the ALOS by just one additional day, an average ALOS of 16.3 would result in a significant cost savings. While the new rate of 16.3 would still be higher than all years prior to the mid 1990's, that additional reduction in the ALOS could be sufficient to further reduce Correction's daily population so that the County may not need to house individuals outside the County via contract. The continuing reduction in the ALOS of just one more day would reduce the average daily population by 51 additional individuals. That one element would have saved the \$1.3 million expensed during 2003 and the \$5 million budgeted for 2004.

Ultimately, any reduction in ADP must be in the proper jail classification to allow for the transfer of the individuals currently being contracted out of the County to be brought back into the County facilities.

The following exhibits show the average daily population by facility, as identified by the Jail's Daily Count Sheets, between January 2001 and December 2003. (Data is from Corrections Daily Count Sheets).



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Exhibit 6: Main Jail

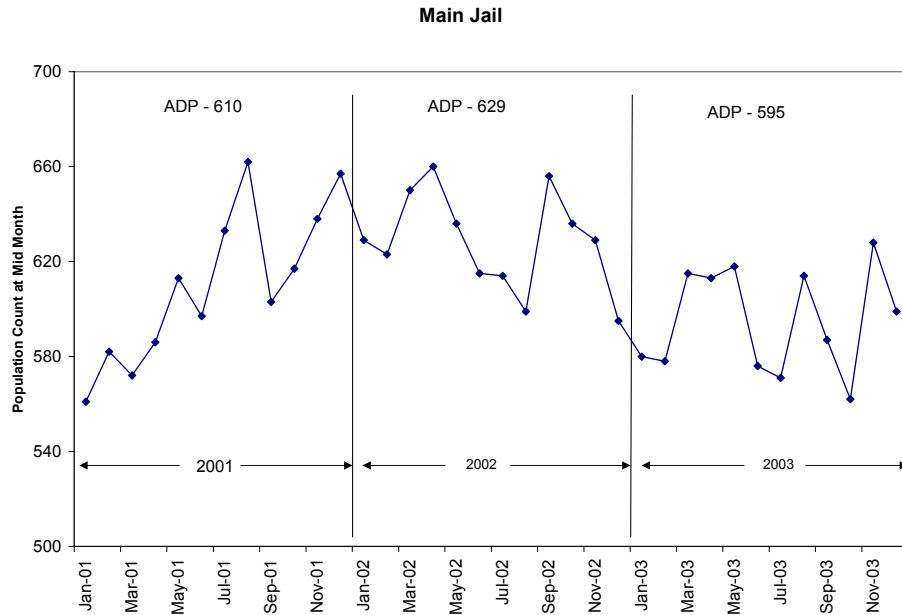
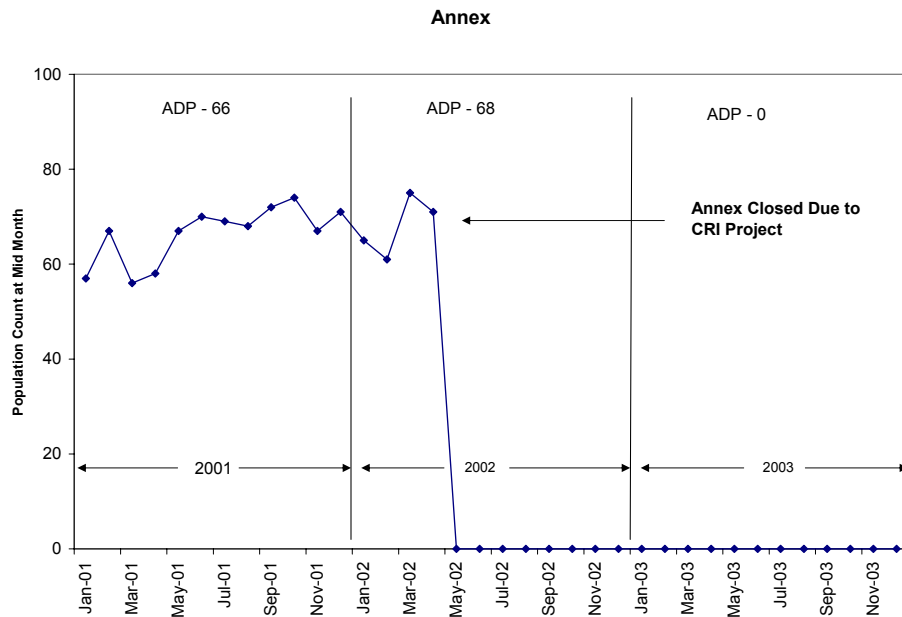


Exhibit 7: Annex





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Exhibit 8: Fairgrounds (Camp Evergreen)

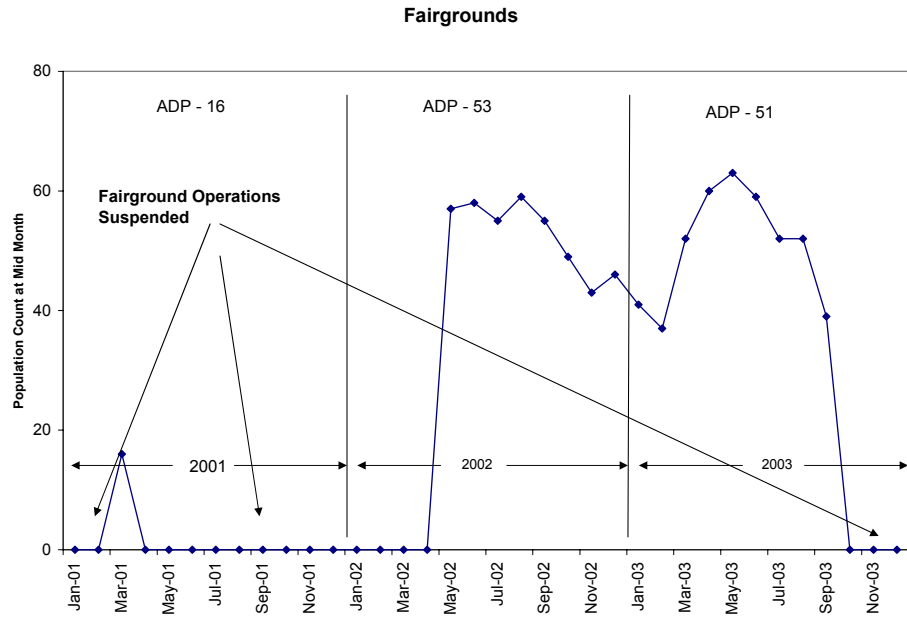
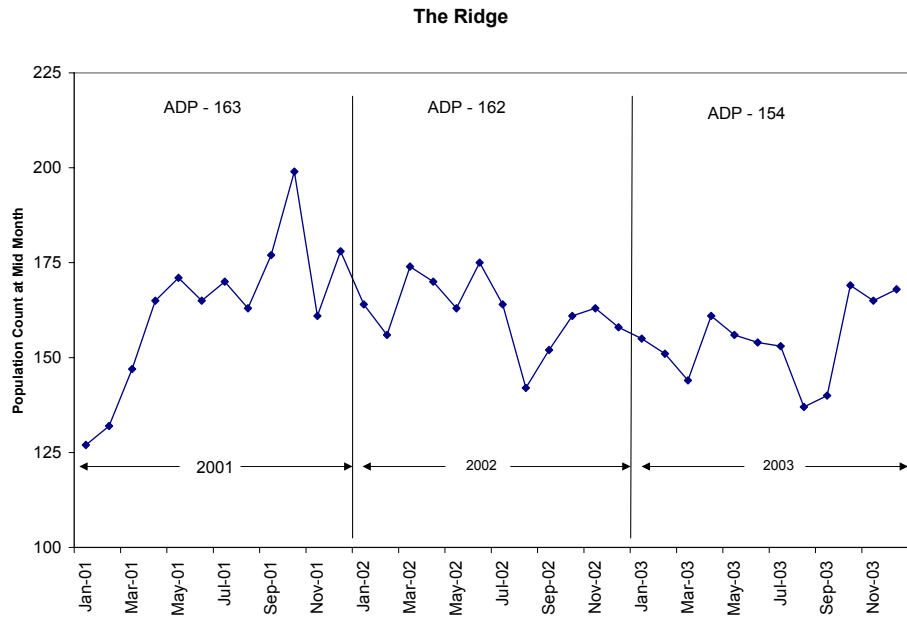


Exhibit 9: The Ridge (Indian Ridge)





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Exhibit 10: Special Detention

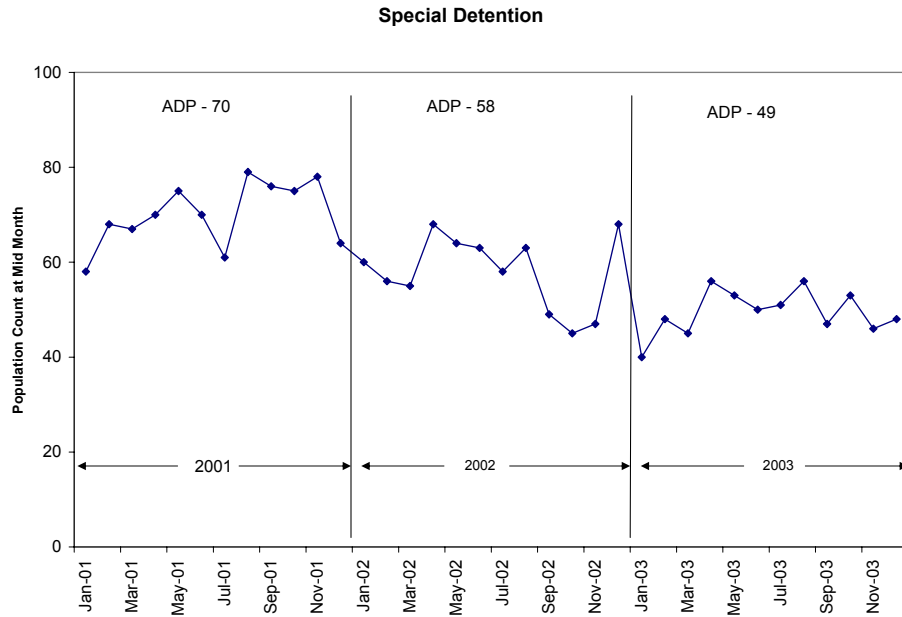
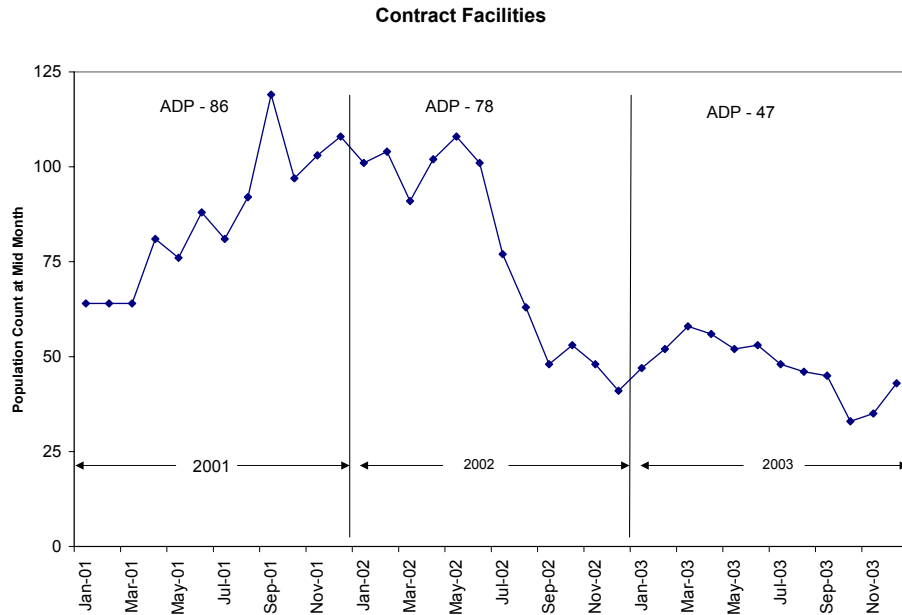


Exhibit 11: Contract Facilities

The savings in contract costs are the result of fewer inmates being sent out of County





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EFFICIENCY PROJECTS:

Higher costs but better use of capacity and possible grant opportunities

Movement of Teens Previously Booked In Jail to Denny Youth Center (DYC): Several years ago, it was standard procedure to take teens (16 – 18 years old) who committed serious felonies to a juvenile detention center. Over the past several years as a result of legislative changes such as “Get Tough on Crime”, these teens were taken to adult corrections facilities.

Based on my discussions with Bill Engnes, Assistant Administrator for Snohomish County Juvenile Detention at Denny Youth Center (DYC) and Steve Thompson, Snohomish County Director of Corrections, the procedural change of taking teens to DYC will minimally impact the jail. They estimate the impact will be one bed day on average. When the teens are taken to the adult facilities, Corrections would have to provide the teens with their educational needs, dietary needs and security needs.

Good government practice

By booking these teens into DYC vs. the main jail, it places the teens in a facility that has capacity rather than in the main jail which may not. It may increase some costs. The increased costs could result from increased transportation requirements for the jail. (Corrections Officers are authorized to carry guns, DYC are not, and thus transportation must be done by them). While this may incur a little more cost, it is good government practice by using capacity elsewhere in the system and is better for the teen. In addition, there may be grant opportunities to shift or share costs with the State.

Opportunity to reduce Corrections Overtime expenditures

Temporary Suspension of Camp Evergreen:

Camp Evergreen (Fairgrounds) operations have been suspended, thus freeing up (9) Correction Officers (CO). During the period that these (9) positions are available, Corrections would have the ability to be more efficient in managing their staffing needs, thus reducing a portion of the Department’s overtime budget. However, the major portion of the potential savings associated with these (9) positions has already been realized and anticipated. Those anticipated savings have already been incorporated into the Corrections 2004 budget. As long as Camp Evergreen’s operations remain suspended, those savings will be ongoing.

Corrections is a 24/7 operation. Our review of Corrections Overtime, (LEJ01-0001-1999) issued on April 27, 2000, stated that each CO’s direct time totaled 1,718 hours per year. Based on this number, it takes 5.1 FTE’s to support each mandated post.

Exhibit 12 identifies the potential maximum savings based on a one for one reduction in overtime needs using the (9) Corrections Officers availability.



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Exhibit 12: Potential OT Savings - Resulting from Camp Evergreen

**\$1,500 per day or
\$530,000 annual
savings potential**

Snohomish County Potential OT Savings	
Number of CO's	
Available Net Hours	1,718
Maximum Net Hours Saved	15,462
Average Annual Salary (Step 4)	\$ 43,612
Salary Per Hour	\$ 20.97
OT Premium	\$ 10.48
Salary/OT Premium	\$ 31.45
Additional Benefits	\$ 2.83
Total - Salary/OT/Benefits per Hour	\$ 34.28
Savings on Annual Basis	\$ 530,052
Savings per Day	\$ 1,452

Source: Corrections OT Study – April 27, 2002 and current salary schedule for Corrections Officers

Moving “The Ridge” Overlap FTE to the Main Jail:

As the Corrections Department gains experience and better understanding of minimal staffing level needs by facility, it will have more flexibility and opportunities to fill staffing shortages in one facility with staffing surpluses in other areas.

**Each shift
reduces OT by
\$275 per day**

This flexibility can reduce the need to incur overtime when surplus staffing can be moved to areas where that overtime would have been needed. Based on the salary data for salary range Step 4 Corrections Officers, each 8 hour shift that is filled by this option vs. using overtime will reduce Corrections overtime costs by \$275 ($\34.28×8 hours).

There are no implementation costs, and savings will be ongoing. Corrections has capture and incorporate estimated savings from this measure into the 2004 Corrections budget.

Number of Corrections Officers for Hospital Escort Duty:

Any reduction in the number of Corrections Officers needed to transport and watch an inmate going to the hospital will result in the same potential overtime savings expense per shift. In order to estimate the potential savings, Corrections should provide data on the number of transports being done with one guard vs. two.



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Might increase available direct hours for Correction Officers from current 1,718 per year

Computer Based Training:

Corrections Officers, similar to Sheriff Deputies are required to take safety, skills enhancements and qualification training. Computer based training has advantages over instructor-lead classes. The courses are available on demand and not when the instructors are available. Required courses generally can be completed in less time at the individuals own pace. The fundamental advantages are as follows:

- Provides a consistent program which can be modified for individual needs.
- The ability to use the same tutorial on an unlimited basis can smooth the learning process based on skill level.
- Costs should be lower than costs associated with having an instructor-lead process.
- Training needs can be accomplished onsite reducing the need for overtime, travel and other offsite expenses.

This type of program will have one-time fixed costs (computers and computer based instructions) but should reduce overall needs for overtime and could increase the number of available hours from the current 1,718 per year.

Major step in reducing ALOS leading to a lower ADP

Arraignment Project:

The County Prosecutor's Office and Office of Public Defense conducted a four month project in which a Deputy Prosecuting Attorney and a Defense Attorney appear together at District Court Arraignments to process misdemeanor cases. A test program ran between September 1, 2003 and December 31, 2003. At this time test project results are not yet available.

In discussions at the Law & Justice Cabinet meetings, it was stated that judges could not accept a plea from an individual if that individual had no representation. The test program was put into place so an attorney from the Office of Public Defense along with an attorney from the Prosecutor's Office, would be available at the first arraignment. At their first arraignment, the individuals who are arrested are briefed on their rights and, if they elect, can plea or accept the charges. It may be that, in many cases the one to three days already served prior to the first arraignment, will be equal to the sentence and the individual would be allowed to leave and thereby reduced ALOS.

Savings impact much more than just Corrections

The potential savings are derived from the reduced level of expenses the County pays through the Office of Public Defense for attorneys to represent individuals if they can be released at the first arraignment vs. expenses incurred for representation at later dates. The judge cannot accept a plea without the arrested individual having legal representation. Based upon discussions with Corrections, it has been estimated that it could be 21 days until the next open court date thus the individuals must remain in custody until that next court date.

Another major goal of the Arraignment Project was to determine if this program will reduce the average length of stay (ALOS) for impacted individuals along with cost savings associated with jail transportation, and defense attorney fees. ALOS is directly related to average daily population (ADP). Therefore, any procedure



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that reduces ADP will have favorable impact on cost of operations at the Corrections Department.

Cost savings should be greater than new additional costs

Costs to implement this program will be the cost of having both a prosecutor and defense attorney present at the first arraignment. Savings would be a reduction in the case load paid under contract by the Office of Public Defense, along with a reduction in Corrections operating and transportation expenses. Larger potential savings could be realized if this program resulted in a reduction in both the average length of stay and average daily population at the main jail. Additional capacity at the jail might allow a reduction in sending sentenced individuals outside the County to contract facilities.

Failure to Appear Project:

The Institute for Law and Policy Planning (ILPP) consultant study dated January 21, 2003 stated that significant savings might be achieved by reducing the number of warrants issued due to failure to appear (FTA) or failure to comply (FTC). The ILPP study stated:

Small investment can lead to significant savings

“Snohomish County may be creating its own demand for justice services and resources. Where warrants are issued and served for a failure to appear, there is likely to be an overuse of court and jail resources because there are procedures and policies that can be implemented to minimize such failures to appear.”

A study on the Failure to Appear has been commissioned by the Law & Justice Cabinet. The object of that study is to determine if defendant notification of court dates would reduce the likelihood of the defendants failing to appear for their arraignment hearing.

Preliminary analysis

Based on preliminary findings, an average of 30.2% of defendants fail to show up for their arraignment hearing. Of the various controlled methods used in the study to contact individuals, the most productive approach appears to be the use of post-cards. Early analyses have indicated that using this type of notification can reduce the percentage of defendants who fail to appear. Early results show that using post-cards may significantly reduce the current FTA rate of 30.2% to a rate of around 11%.

Since warrant arrests are a significant problem for Snohomish County in regard to costs and time management, policy initiatives designed to reduce warrants should increase the overall efficiency of the criminal justice system. This project impacts the number of bookings at the jail and therefore the average daily population.

Discussion with Bill Fosbre, Snohomish County District Court Administrator stated that during 2003, there were approximately 16,685 total cases filed in Snohomish County District Courts, of which 2,500 were in custody, resulting in a FTA base of 14,185 (16,685 - 2,500) . Assuming that the preliminary analysis can be substantiated, savings based on that analysis can be projected.

Exhibit 13 shows potential savings based on the preliminary analysis.



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Exhibit 13: Failure to Appear (Potential Reduction in ADP)

ADP reduction in the range of 6 inmates daily

Snohomish County Failure To Appear Reduction in ADP	
Cases Filed 2003 (District Court)	14,185
FTA - Study Do Nothing	4,284
FTA - With Post-Cards Sent	1,560
Reduction in FTA	2,724
% Warrants Issued	65%
Reduction in Warrants Issued	1,770
ALOS - FTA Defendants	1.26
Bed Days	2,230
Potential Reduction in ADP	6

Source: Failure to Appear Project, District Court

Projected savings up to \$120,000 annually

The preliminary cost estimate to implement this program is estimated to be one dollar per post card mailed. That cost covers postage, card, address labels and labor. Total cost is estimated to be less than \$15,000 annually. Savings in Corrections can range from the marginal cost level of \$4 per person per day or \$8,920 per year to a high of \$120,450 per year if reduction in bed days resulted in a reduction of inmates sent out of County. Additional savings would be derived from reduced warrants served by the Sheriff, and costs associated to both the prosecutor and public defense. It was beyond the scope of this review to estimate the downstream savings, but these savings are worthy and should be defined and projected.

Benefits but with significant risks

Pre-Trial Release Project:

The Pre-Trial release project has called upon the Law and Justice Analyst to work with the Office of Public Defense (OPD) to define and develop an objective pre-trial release instrument to replace the current process. The purpose of this instrument is to release from custody those offenders that are low risk. The instrument does so by predicting the probability of offenders appearing for their court dates, based on objective criteria that would be used in making recommendations for pre-trial release. Currently, the process of making pre-trial release recommendations to the court involves a subjective interviewing process.

If OPD staff uses an objective pre-trial release instrument when interviewing incarcerated defendants, they can determine whether they are "good risks" for showing up at subsequent court hearings. The Bureau of Justice Assistance (a component of the Federal Department of Justice) recommends the use of an objective instrument to classify defendants based on a valid "risk assessment" score that is uniformly applied to all defendants. The development of an objective scoring instrument began on October 1, 2003 and is expected to be completed in early in 2004.



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Need to work closely with judges

Benefits of this project may improved efficiency in the current pre-trial release process, which could result in a potential reduction to the Jail's ADP. There is, however, the risk of exposure to the County, should an individual who has been released (pre-trial) commit a major crime. Corrections could mitigate some of that risk by increasing staff used in monitoring these individuals. However, the risk of exposure is still of concern. The County might consider transferring operational authority of this program to the courts, as judges have limited immunity and cannot be sued. That action would eliminate the risk, but is dependent on the courts desire and will to take on that responsibility and will require additional staff and resources.

Susan Clawson, Snohomish County Deputy Director of Corrections, provided the following results from King County's experience in their Pre-Trial Release Program. The actual ADP savings associated with the Pre-Trial Release Program was modest (4 ADP). The actual number of individuals physically released turned out to be modest because of the high percentage of bookings with multiple charges, where some but not all charges were approved for pre-trial release.

She also stated that an additional interesting impact was that individuals who were held until their first arraignment were often released to the street with credit for time served. Those who were released, on the other hand, might end up needing jail time as a result of their sentence.

Cost benefits range up to \$40,000 yearly

Based on these comments, it would appear that an objective/systematic pre-trial release program in Snohomish County could reduce ADP by two additional individuals (Snohomish County is approximately half the size of King County). That number could translate into savings of one third of the Failure to Appear project or in the range of \$2,900 (marginal costs) to \$40,000 (reducing inmates sent out of County).

Unknown impact to Corrections, but procedures will greatly help victims

Legal/Financial Obligations Project:

To reduce its portion of the state's \$2.5 million budget deficit, the State Department of Corrections divested itself from LFO oversight responsibilities. It has been their role to monitor and collect legal obligations when part of a Superior Court Judgment and Sentence. Senate Bill 5990 provided the authority to bill and collect LFO's to the Administrative Office of the Courts and the County Clerks. In Snohomish County Superior Court there are approximately 5,500 cases with LFO's. The County Clerk, Prosecutor and Superior Court Administration have developed a program to monitor these cases.

SB 5990 provides bi-annual state funds for allocation to County Clerks to assist with costs of collection. Snohomish County's portion of these state funds is \$100,000 to be paid over a two year period of time. An additional \$26,000 has been allocated to the Clerk's Office 2004 budget to implement the program. SB 5990 also gave counties the authority to implement a fee which could help offset some of the additional costs associated with the program.

The Clerk's Office estimates full implementation of this program to take place over 19 months. The 2004 Budget for the Clerk's Office includes \$126,000 to implement and the budget also projects revenue of \$126,000. The goal of the county is to implement an effective monitoring/collection system using available



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resources.

Impacts to the jail unknown at this time

Non-payment of these obligations is not classified as a criminal act and there may be minimal impacts on the jail. However, per discussion with Dick Carlson, Court Administrator, Superior & Juvenile Court, while it's true non-payment is not a criminal act, it is however a violation of the court order. If the clerk exhausts all their efforts to collect, they may turn the matter over to the Prosecutor, who in turn can decide to file a Notice of Violation. In that instance, the court could find the individual in contempt and issue an order for confinement in the jail. Conversely, with more individuals paying their LFO's, there may be fewer warrants issued, less jail time and fewer offenders appearing for hearings.

Inefficient use of limited County resources

Driving While License Suspended Diversion Project (DWLS):

In 1993, Washington State passed a law giving authority to the Department of Licensing to administratively suspend drivers' licenses for unpaid traffic infractions. The main objective was to create an opportunity for drivers to resolve their tickets in a timely fashion. By 1998, nearly 350,000 people in Washington State had their licenses suspended due to unpaid violations. Many of these drivers ignored the mounting fines and continued to drive, resulting in additional fines, impounded cars and increased involvement with the criminal justice system.

Exhibit 14: Bookings for DWLS in Snohomish County (1997 - 2003)

	1997	1998	1999	2000	20001	2002	2003
DWLS Level							
1	149	198	211	190	144	126	92
2	131	186	276	214	194	135	150
3	1,102	1,631	1,716	1,455	1,608	1,263	1,219

Source: Snohomish County Corrections Department

There are three classification levels for driving while license suspended (DWLS).

- **DWLS 1:** Revocation: driving privilege withdrawn for 365 days or more, have 20 or more tickets etc.
- **DWLS 2:** Suspension: driving privilege withdrawn for 364 days or less, mandatory such as driving while intoxicated (DWI).
- **DWLS 3:** Unpaid traffic ticket.

Individuals booked under DWLS 1 or 2 would not be eligible for a diversion program. We used only DWLS 3 in our analysis.

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Exhibit 15: ALOS, ADP, Pre and Post Conviction ADP for DWLS 3

	1997	1998	1999	2000	20001	2002	2003
ALOS	3.6	3.1	4.0	4.8	5.9	5.9	5.1
ADP	10.4	13.8	18.9	18.8	26.7	19.9	19.1
ADP - Pre	4.7	7.1	9.1	7.9	8.6	7.4	7.6
ADP - Post	5.7	6.7	9.7	10.9	18.0	12.6	11.5

Source: Snohomish County Corrections Department

The ALOS for these individuals has ranged from 3.1 to 5.9 days and the ADP has ranged from 10.4 to 26.7 daily. Based on discussions with Corrections an average of 30 percent of the DWLS 3 would have other convictions that would make them ineligible for a diversion program and of those who would be eligible (the other 70 percent), it is estimated around 40 percent would elect to do so.

Our analysis based on the above data suggests a potential reduction in the ADP between 3 - 7 individuals.

Exhibit 16: Estimated ADP Reduction from a DWLS 3 Diversion Program

	1997	1998	1999	2000	20001	2002	2003
ADP	10.4	13.8	18.9	18.8	26.7	19.9	19.1
Ineligible	3.1	4.1	5.7	5.6	8.0	6.0	5.7
Eligible for Diversion	7.3	9.7	13.2	13.2	18.7	13.9	13.4
Elects to Participate	2.9	3.9	5.3	5.3	7.5	5.6	5.3

Source: Snohomish County Corrections Department

**Savings up to
\$91,000 annually**

It appears that a DWLS 3 diversion program in Snohomish County could reduce ADP by 5 individuals. That number translates into savings in the range of \$7,300 (marginal costs) to \$91,000 (reducing inmates sent out of County).

Driving While License Suspended 3 (DWLS 3) is the least serious of the DWLS charges and accounts for a high percentage of all misdemeanor filings in Snohomish County. The majority of DWLS 3 charges are for failure to respond to a traffic infraction¹.

¹ A person may be charged with DWLS 3 for the following reasons: (1) failure to furnish proof of satisfactory progress in a required alcoholism or drug treatment program; (2) failure to furnish proof of financial responsibility; (3) failure to comply relating to uninsured accidents; (4) failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation; (5) suspension or revocation in another state that would result in suspension or revocation in this state; (6) failure to reinstate the driver's license or privilege after suspension or revocation in the second degree; or (7) any combination of the above.



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DWLS cases are a significant component of misdemeanor workload. In the year 2003 through November, DWLS cases had the following effects on the jail and courts:

- The Snohomish County Jail had slightly more than 2,200 bookings with at least one DWLS 3 charge or 21% of total misdemeanant bookings.
- The Snohomish County Jail had slightly more than 1,200 bookings where the DWLS 3 was the only charge or approximately 12% of all misdemeanant bookings.
- Average daily population (ADP) for offenders whose most serious and only offense was DWLS 3 equaled 20 or 2% of total jail days.
- There were an additional 40 ADP where there was at least one DWLS 3 charge on the booking or 4% of the total jail days
- The pre-sentence FTA rate for those charged with DWLS 3 is 84%.

The Misdemeanant Workgroup focused on specific strategies and programs that were proven or likely to successfully alleviate some of the burden of DWLS cases.

King County's experience

Based on discussions with James Harms, Snohomish County Corrections Commander and Public Information Officer it appears that King County's Re-licensing Program has had limited success. He indicated that a number of jurisdictions within King County have implemented re-licensing programs including the City of Seattle, King County District Court and the City of Kent. The individual programs differ in structure but each are generally premised on the following objectives:

- Reduce the number of DWLS cases through FTA reduction and re-licensing efforts
- Minimize jail days and jail costs associated with DWLS cases
- Assist defendants in reinstating their licenses
- Increase revenue collected for traffic infractions while decreasing costs to defendants and local governments

There are various approaches in implementing a re-licensing program. Snohomish County might consider several approaches implemented by others. The following items are possible components for an effective re-licensing program:

- Debt consolidation; time payment agreements; community service alternatives to fines
- Dismissal of charges upon successful re-licensing and/or other conditions
- Reminder calls to reduce FTA and the associated warrants
- Impound
- Re-licensing strategies
- Suspended License Calendar
- Allow defendants with charges from multiple jurisdictions to resolve all cases at one court

Over time, the greatest potential

L&J Integration Project:

The County has actively been working on integration for several years. In 2003



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for savings; however, the largest investment is required

partly based on ILPP recommendations, the County created the Law & Justice Cabinet in part to deal with integration issues. Around two years ago, the County created three technology committees (Administration, Land and Law & Justice) to deal specifically with technology. In addition, the County Council has a Law & Justice Committee and the Executive has created an Executive Director's position with intent to oversee the County's Law & Justice efforts.

As an example, the one primary objective of L&J integration was to have the ability for each element within the L&J component of County operations to be able to communicate with each other. The benefits of that program would eliminate the need to enter data over and over again and speed up the process of transmitting information to the various user groups. The effort being put forth by Information Services is monumental, however their lack of project management software has hindered their ability to summarize project effort and cost estimates.

Improved and integrated technologies will provide the engine and backbone for new, innovative programs, processes and techniques which will vastly increase Law & Justice efficiencies. The area of Law & Justice Integration is complex, costly and constantly moving. While development and implementation costs will be significant, the payback will be greater. A partial list of current integration projects are as follows:

Exhibit 17: Partial List of Law & Justice Technology Integration Projects

Clerk & Enterprise Imaging	PCC RE-Write/System Integration
OPD Case Control	Citation Log Interface with State
GIS Crime Mapping	Enhance 911 Mapping
Inmate Management System	Corrections Ad Hoc Reporting
MS Consulting L&J BizTalk Integration	PCCS - Subpoena Tracking

Source: Law and Justice Integration/Technology Committee

IV. Conclusions

County to be commended on their efforts

Overall, the County should be commended in the efforts to reduce the portion of the County General Fund allocated to Law & Justice by the use and implementation of these efficiency programs. County management and individual Department heads along with the Electeds are aware of the problems and their complexity and magnitude. The fact that this area of County operations has had several consultant studies and untold number of hours of discussion by County management, points to the simple truth that the problems are identifiable and recognized and that resolutions are being developed. However, the complexity of those problems coupled with limited resources makes their resolution difficult at best.

Cost savings are not additive but do accumulate

It needs to be pointed out, that most of the projects identified in this review, and their potential efficiencies and cost savings are directed to the same population pool within Corrections. Because of this, the projected savings are not directly additive. That is, as one efficiency measure reduces the pool, the next efficiency measure will have a reduced pool from which efficiencies can be materialized. Savings will accumulate as these programs are implemented, but the programs



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are not mutually exclusive as they all tend to be directed to the same population base.

Need for better program management implementation and coordination

Need for Better Program Management Coordination: One possible net consequence of all the efforts to find and implement efficiencies within the Law & Justice arena has been the establishment of multi-layers of oversight by the Executive, Legislative, and Judicial branches. In turn, these multi-layers may have diluted or delayed the ability for the County to deliver or implement Law & Justice program efficiencies.

The coordination of program efficiencies by a single entity with appropriate and sufficient authority could provide the necessary program control to maximize the County's ability to execute program efficiencies within the Law & Justice arena.

That entity should have final authority to make decisions within established budgetary limits set by the County Council resulting in a timelier implementation and faster realization of cost savings. Oversight coordination should provide enhanced program prioritization, and a greater ability to estimate costs and savings.

V. Recommendations

Provide budgetary authority with coordinated program management

In order to enhance the County's ability to provide Law & Justice services in a way to achieve cost efficiencies, the County should consider centralization and coordination of several committees reviewing specific areas dealing with Law & Justice.

The Law & Justice Cabinet which has representation from the Executive, Council and Judicial branches would appear to be the ideal group to act as coordinator. For example, other independent oversight committees could coordinate with the Law & Justice Cabinet to implement program efficiencies as recommended and funded through Council authorization. The County Council in addition, could authorize some level of autonomous budgetary to the Law & Justice Cabinet authority allowing for funding of selected programs and/or projects for implementation, thus reducing costly delays due to current approval process and multi-layers of oversight

Need to look at cost vs. savings

The basic tenet of that decision making process should look at cost vs. savings due to improved program integration. If the costs associated with the proposed project are less than the costs associated with maintaining current County operational policy, that project should be considered for approval.

VI. Responses

Encourage Dialog

I want to thank all who took the time to respond to this report. Regardless of the responses given to the report's recommendations, the fact that the report has become a catalyst to increase and encourage dialog among the various departments within Law & Justice is a positive outcome.

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Individual/Department responses follow:

**Jeff Sax
Councilmember
Chair – Law &
Justice
Committee**



March 30, 2004

To: MARTY STANDEL, PERFORMANCE AUDITOR
From: JEFF SAX, CHAIR
LAW & JUSTICE COMMITTEE
Subject: REPORT ON L&J EFFICIENCIES

I appreciate the opportunity to comment on the L&J Cabinet Project Efficiencies Report.

Your analysis shows that the work of the cabinet in pursuing efficiencies is worthwhile and should continue to be invested in by the county. The potential savings that have been identified are a strong recommendation to me for the continued need for an analyst to staff the cabinet.

We asked you to do a difficult job - to take imperfect data and using your 30 years of auditing experience provide us with a preliminary assessment to identify areas for further focus. We also asked you to do this within a short timeframe based on existing data and available analysis and to use your professional opinion to read between the lines and advise us on opportunities to streamline.

On a more specific note, when I requested this report on behalf of the L&J Committee, I believed that it was not yet too late to consider minor changes to the new jail configuration that might lead to improved efficiencies or savings for the taxpayer. I understand that your review suggested the same but that as of today it no longer economically feasible.

With that said, it is all too easy to rest on past successes, justify existing programs, and congratulate ourselves on how wonderful a job we are doing. It is a much more difficult process to critically assess what more can be done. With the county facing financial uncertainty, departments simply cannot rest on their laurels or past implementation of efficiencies. Our focus must not be on congratulating ourselves for past successes, but focused on future opportunities.

I acknowledge your position as the bearer of information that more might be done, either on streamlining or cost recovery. I appreciate your hard work and thoughtful comments and recommendations that have been informed by many years of experience as to where further opportunities might lie.



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It is my hope that your analysis will spark fruitful discussion between departments on how to improve on and implement efficiency opportunities. And where desire or comment requests additional detailed analysis; it is my hope that departments will take that on. In the final analysis, if this report generates serious discussion among the participants on additional opportunities to save costs. It will be a success.

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David Gossett,
Councilmember



Memorandum

To: Martin T. Standel, Performance Auditor

From: Dave Gossett, Councilmember

Date: 3/17/04

Re: Law & Justice Cabinet – Efficiencies Projects

I want to thank you for the opportunity to comment on the draft audit report regarding the Law and Justice Cabinet Efficiencies Projects.

You make an excellent point on the distinction between marginal and average costs on page 5. You might consider stressing it even more. Too often in discussions of jail costs we forget this distinction and assume vast savings from minor reductions in bed use. While we should always strive to reduce bed use (in ways consistent with maintaining public safety) we must do so with eyes wide open regarding the savings. This means we must always remember this distinction.

I believe that considerations of changing the jail configuration (page 5) would be fruitless at this point. Construction and design are well under way and any changes would be very costly. I suggest that instead you evaluate the possibility of “renting” space in our system out to other jurisdictions (federal, state, King County, etc.) as a way of making the most efficient and cost effective use of our new and old facilities. A brief analysis of how such an option would work would be very valuable for decision makers at the time the jail opens. If you believe it is necessary to look at changing the jail configuration I suggest a cost benefit analysis of reconfiguration v. “renting out”.

On page 8 you observe that “any reduction in ADP would need to be both sufficient and in the proper jail classification to allow for the transfer of the individuals currently being contracted out of the County to be brought back into the County facilities.” This is a very timely and important observation. During the 2004 budget deliberations this issue was discussed and I believe that there was confusion amongst both the Council and Council staff regarding it. Consequently, decisions were made which I believe falsely promised savings. I urge you to enlarge upon this point and perhaps add an analysis of the 2004 budget discussion on this subject.

On page 14 you discuss the arraignment project and note that “At this time test project results are not yet available”. I urge you to include a discussion of the Office of Public Defense’s Fast Track project. As a precursor to the arraignment project such a discussion



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would provide a historical context which I believe would be useful to decision makers. Also, I believe that the Fast Track project does have some numerical results which would allow a preview of what the arraignment project results might be. In reviewing cost savings I believe it would also be good to include PA, courts, corrections, and other parts of the public safety system. How, for example, were these agencies impacted by the early pleas which were made in Fast Track and can this be expected as a result of the arraignment project as well? Ultimately it would be good to compare the costs of the project (on both the defense and prosecution side) with the savings throughout the system.

I believe a similar historical perspective would improve the section on the Failure to Appear Project (page 15-16). The Office of Public Defense initiated a program called Summons Plus using (if I remember correctly) interns and phone calls. It would be worthwhile to briefly review that project and its success and how it leads to the FTA project. It would also be worthwhile to compare the success OPD had with phone calls v. the success of the FTA project with post cards. What were the relative costs and benefits?

I believe that there is high public interest in government's attempts to recover costs from those in the system. I was pleased to see the discussion of the Legal/Financial Obligations Project for this reason. To provide more context you might wish to mention the OPD Promissory Note program as another example of government seeking to recover costs. Are there other programs that should be mentioned as well?

I am unclear on the basis for the assertion on page 22 that there is a need for better project management. I am unaware of any concern expressed by the heads of the public safety departments regarding the functioning of the Law and Justice Technology Committee. Are there specific examples of how the current structure has created problems? I think it is also important to remember that local government is a system of checks and balances. Both the Council and Executive have significant oversight responsibilities for the public safety system. I always have, and will continue to, give great weight to the recommendations of the public safety experts on the L&J Cabinet. However, I believe I would be abdicating my responsibility (as would the Executive) if we gave them a sum of money and allowed them to spend it with no on-going oversight, particularly without a clear identification of a problem such a change would solve.

Finally, I suggest the inclusion of a summary page detailing projects for efficiency in the public safety arena over the last few years. Such a list could identify the project, when it began, what the results/savings were, etc. I suggest the list should also include precursor projects such as Fast Track, Summons Plus, etc. This would provide a valuable and easily accessible way to show county efforts to the public.

I want to thank you again for the opportunity to comment. As I've noted above, a number of the observations made in the audit call attention to vital information we need to keep in mind as we analyze public safety issues in the future. The suggestions I've provided in other areas I believe will make it an even stronger document.



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Dick Carlson,
Superior and
Juvenile Court
Administrator

Superior Court of the State of Washington
for Snohomish County

JUDGES
GERALD L. KNIGHT
RICHARD J. THORPE
JAMES H. ALLENDOERFER
LARRY E. MC KEEMAN
RONALD L. CASTLEBERRY
THOMAS J. WYNNE
DAVID F. HULBERT
ANITA L. FARRIS
LINDA C. KRESE
CHARLES S. FRENCH
GEORGE N. BOWDEN
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COURT
ADMINISTRATOR
SUPERIOR AND
JUVENILE COURT
RICHARD E. CARLSON

March 16, 2004

Martin T. Standel
Snohomish County Performance Auditor
3000 Rockefeller Avenue
Everett, WA 98201

RE: Draft Law and Justice Efficiencies Report

Dear Mr. Standel:

Thank you for the opportunity to review your draft report. The following is submitted in response to the report, and include observations and comments specific to references to Superior Court:

1. Page 2, Background: The report appropriately notes the growth of Law and Justice functions as a portion of the general fund. Although rarely portrayed, it would also be interesting to note the relative portion and growth in cost of Law and Justice functions as related to the total county budget (both historically, and currently). This would serve to provide a broader view of the relationship of Law and Justice to the county's total financial responsibilities.
2. Page 11, Movement of teens previously booked into Jail to DJJC: To clarify, not all 16-18 year old felons were subject to placement in the jail. In 1997, the legislature required that all 16 and 17 year old youth *charged with a serious or violent offense* (defined by statute) be subject to treatment as adults. The legislature was silent as to where these youth should be housed. This is a very small percentage of the total number of felony referrals that involve juveniles.

While additional costs may be incurred by the jail in transporting youth from DJJC to hearings at the downtown campus, they are at least partially offset by additional staffing costs the jail may have incurred as a result of the need to maintain separation from adult inmates, and to provide escorted movement within and without the facility.

I'm sure the balance of the report, and especially the recommendations, will be the subject of discussion in a variety of arenas.



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Sincerely,

Dick Carlson, Superior and Juvenile Court Administrator

CC: Judge Thomas J. Wynne, Presiding



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Susan E.
Clawson, Deputy
Director -
Corrections



Steve D. Thompson
Director - Corrections

(425) 388-3616

Susan E. Clawson
Deputy Director

M/S #509
3000 Rockefeller Avenue
Everett, Washington 98201-4046

Date: March 19, 2004
To: Martin T. Standel, Performance Auditor
From: Susan E. Clawson, Deputy Director - Corrections
Subject: Response to L&J Cabinet Project Efficiencies

Overall, Corrections finds the Performance Auditor's report to be straightforward and factually correct as it applies to issues regarding Snohomish County Corrections. I thank the Performance Auditor for the time he has taken to understand the complex relationships in the Criminal Justice system, and I believe that this report communicates those complexities well.

Although there are no recommendations that are directed solely to Corrections, there are three points that I would like to directly comment on from this report.

1. The Performance Auditor suggests that there is still time to make modifications to the expansion jail facility in order to minimize the staffing needs for operations. Although Corrections continues to work on the most effective and efficient staffing plan, it is in the context of the building as currently designed. I believe that an attempt to make any but the most minor changes to the building design at this time would add considerable time and cost to the project.
2. I wish to reiterate the Performance Auditor's point that the Average Daily Population is a primary driver of department costs, and that ADP is function of the number of bookings and the Average Length of Stay.

As the Performance Auditor has noted in this report, a cost/benefit analysis should be an integral part of any proposed initiative. That analysis must consider the costs and benefits in conjunction with the effects of other proposals, not just against the status quo. It is vitally important to understand that the expected savings from the proposed initiatives are not necessarily additive. For example, many of the jail days served for Driving With License Suspended 3rd degree (DWLS 3) are for failure to appear (FTA) in court to answer the initial citation. A generalized FTA reduction program may have some impact on persons charged with DWLS 3, thus lessening the results of a subsequent DWLS 3 reduction program.

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Susan Neely,
Executive
Director



Snohomish County

County Executive's Office

M/S #407

3000 Rockefeller Avenue

MEMORANDUM

Everett, WA 98201

(425) 388-3460

FAX (425) 388-3434

TO: Martin Standel,
Performance Auditor

FROM: Susan Neely,
Executive Director

RE: Law and Justice Cabinet – Efficiencies Project Draft Report

DATE: March 18, 2004

Thank you for the opportunity to provide a formal written response to your Law and Justice Cabinet-related draft report. I do have several areas of concern.

Marginal vs. Average Cost (page 5 of the originally distributed hard copy version)

You have done a good job of explaining the two primary ways jail-related expenditures can be controlled: reduced average-length-of-stay and average daily population. However, you need to note that a jail does not control the number of bookings or the length of stay. This is a system problem that needs to be addressed by all the system players (i.e., law enforcement, courts, prosecutor and defense).

You have included the statement that “while the new facility is still under construction; and costs for modifications are less expensive, the time to review and potentially modify the configuration is now, as configuration of the new facility can impact staffing levels.”

Unfortunately, that opportunity has passed. Making any changes to the design at this late stage will be very costly. All of the bid packages have long been awarded to subcontractors who have accomplished significant progress toward:

1. engineering their respective systems;
2. A/E submittal review and approvals;
3. awarding contracts and purchase orders to their respective manufacturers and vendors;
4. completing a very arduous, eight month coordination process for constructing the mechanical, electrical, plumbing and electronic security systems; and,



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5. constructing nearly all of the interior walls.

Any changes to the design at this time would increase the County's expenditures for design revisions, schedule delays, alternative materials and/or equipment, and demolition and re-construction of what has already been built, depending upon the extent and nature of the changes. In addition, the County would remain liable for any materials and equipment already ordered and manufactured specifically for our Jail facility, but no longer required in the modified design. Another impact might be the immediate loss of jobs for some affected trade workers as the subcontractors revised their schedules. Even value engineering changes made in the interest of reducing construction costs would have the same impacts. Such VE efforts at this stage of the project might only offer diminished returns, while in many cases, would actually have the reverse affect of adding cost to the project.

Last October, significant changes were made to the Jail design for safety and efficiency reasons, based upon Steve Thompson's input. These incurred additional costs funded by the Owner Contingency. Since then, the project management staff have been diligent in conserving the Owner Contingency against all subjective design impacts. At the same time, other essential and costly elements required for ensuring complete Jail security will soon be added to the Contractor's scope of work, which will be funded by Owner's Contingency as well.

It is not impossible to make changes to the "physical configuration" at this stage; but if we do, it will require additional funds to the Jail expansion and renovation budget and a corresponding extension to the schedule. The project manager, Jeff O'Boyle, would be happy to review the potential impacts of future design revisions with you, if you would find that useful.

Arraignment Project (pages 14-15)

The Arraignment Project is an outgrowth of the Office of Public Defense "Fast Track" program – and should be duly noted. Under that program, OPD staff would, during their pre-trial release-related interviews, identify individuals who wished to plead guilty at arraignment and then arrange for counsel to be present. If this hadn't occurred, those defendants would have remained incarcerated for another 21 days before their next court appearance, whereas the actual sentence imposed might have been only a matter of a few days.

In 2003, the District Court judges informed both the Prosecutor and the Office of Public Defense that they would (vs. could) no longer accept a plea without both prosecutor and defense counsel present. The pilot Arraignment Project was put in place to provide defense counsel through OPD, along with an attorney from the Prosecutor's Office at the first appearance – it was never the intent to have the Attorney-Administrator handle these calendars on top of her existing workload.

While two goals/outcomes of this project are to reduce the average length of stay and defense attorney fees, there are others. Anything that promotes the disposition of a case as early in the process as possible provides benefit to the system as a whole. Not only will defense costs be minimized, but the Prosecutor does not have to prepare a case for trial, the Court in question does not have to calendar nor set any continuances, and there is less likelihood that warrants will



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be issued for failure to appear or comply. These savings need to be acknowledged and factored into the analysis.

Failure to Appear Project (pages 15-16)

The Law and Justice Cabinet authorized this project as part of the analyst's work plan. The Cabinet has received draft copies, but has yet to sign off on a final. A sub-work group of that body is reviewing the report. Preliminary comments submitted by work group members call into question the validity of the data and conclusions drawn by the analyst. Inclusion of this project in your report is inappropriate until such time that the report is accepted, modified or rejected by the Law and Justice Cabinet.

Furthermore, your report language contains errors on the origins of this project: the impetus for this project precedes the ILPP study and should be acknowledged. Since the 1990s, OPD has had the "Summons Plus" program. Under that program, OPD staff supervise community college interns who contact out-of-custody defendants to remind them of their court dates, thereby saving money when warrants do not have to be issued and jail beds do not have to be used for defendants who fail to appear.

During the summer of 2002, Corrections staff brought to the attention of the Executive a 1999 King County study of the efforts to reduce misdemeanor warrants that were taken by a number of jurisdictions within that County. After the ILPP study came out, the King County study was discussed with Council staff who, in 2003, proposed using University of Washington interns to replicate King County's efforts. When that attempt failed, the project was included in the Law and Justice Cabinet Analyst's work plan.

Pre-Trial Release Project (pages 16-17)

As with the Failure to Appear Project, inclusion of the Pre-Trial Release Project in your report is inappropriate until such time that the report is accepted, modified or rejected by the Law and Justice Cabinet. The same comments regarding the validity of the data and the conclusions drawn by the analyst apply.

Again, there are factual errors in your draft report. Snohomish County does have a Pre-Trial Release Program – the last paragraph in this section implies otherwise. Perhaps you meant to say that if the current program were modified, it could result in an ADP reduction. Additionally, judges currently make the release decisions based upon the recommendations of OPD staff – the first complete paragraph on page 17 implies otherwise.

This section reads as if you never spoke with those who currently provide and/or use the service – OPD staff and the courts. It's interesting to get the perspective from someone who oversaw a pre-trial release program in another county, but it's important to first understand what happens here and the steps taken to develop an objective screening tool that pre-date the ILPP study and the Law and Justice Cabinet.



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Conclusions/Recommendations (pages 21-22)

These two sections are perplexing. You state that there is a need for better project management, but based upon what? Nothing that proceeds or follows that statement sheds any light upon how it was reached.

You state that “one possible net effect of all the efforts and programs to find efficiencies in the Law and Justice arena is the necessary layers of oversight by the Executive, Legislative and Judicial branches.” You go on to state that “these multi-layers might dilute or delay efficiencies savings due to project/program implementation.” Under “Recommendations” you state “in order to minimize the diverse layers of Law and Justice oversight, the several committees reviewing specific areas dealing with Law and Justice should be consolidated...the County Council could then authorize some level of budgetary authority allowing the cabinet to select programs and/or projects for implementation thus reducing costly delays due to current multilayers of oversight.” Why would we want to minimize the layers? By constitution and charter, each branch has its specific role and there is no evidence in your report of dilution or delay. The checks and balances inherent in our system are very important and serve a far greater good. The Law and Justice arena is primarily made up of separately elected officials who serve their own constituencies. Are you suggesting that they abdicate their specific missions, to be set aside and/or consumed by the Cabinet? Additionally, you have failed to show any evidence that these layers adversely impact efficiency implementation. And if there is evidence, both the Executive and Council have the means to affect change in the budget process – as part of the inherent checks and balances.

You state that “a single entity such as the Law and Justice Cabinet might provide the necessary project management to help increase program and project efficiency.” First, what is the evidence of a lack of program and project efficiency? And wouldn't moving Law and Justice Integration to sub-committee status add another layer to be worked through? Especially since the members of the Integration committee are virtually the same as the Cabinet? As it stands now, the Law and Justice Integration projects are managed by a single individual within DIS, with oversight by DIS management, project sponsors and the committee itself.

You state that “the cabinet in that role would have final authority to make decisions within established budgetary limits set by the County Council to provide timely implementation thus reducing delays in achieving cost efficiencies.” How would this ensure timely implementation? And, again, what evidence do you have of delays? The Law and Justice Integration committee already makes decision within the established budgetary limits set by the County Council. How is this an improvement?

You state that “the role of project management would add meaningful prioritization, specific estimated project costs and total costs for all projects.” Currently there is meaningful prioritization and with the project management system currently being deployed, DIS will be able to provide estimated project costs and total costs in a far less labor intensive manner than in the past.

And finally, you conclude with “the basic tenet of that decision making process



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should look at cost vs. savings due to improved program integration or to lower booking and average length of stay at the County jail.” While jail savings can be significant, we must not lose site of looking for savings throughout the system. The Corrections budget represents 14.8% of the total 2004 General Fund budget – the rest of the law and justice-related departments account for another 54.13%. The actions of these remaining departments are what determine Corrections workload.

Thank you for the opportunity to provide comments. Please let me know if you have any questions or concerns about the issues I have raised.

cc: Aaron Reardon
Bob Terwilliger
Gary Weikel

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Pam L. Daniels,
County Clerk



Snohomish County

County Clerk

M/S #605

3000 Rockefeller Avenue

MEMORANDUM

Everett, WA 98201

(425) 388-3583

FAX (425) 388-3806

TO: Martin Standel,
Performance Auditor

FROM: Pam L. Daniels,
County Clerk

RE: Law and Justice Cabinet – Efficiencies Project Report

DATE: March 19, 2004

I have serious concerns and issues regarding the conclusions and recommendations included in this report. My most serious issue is the presented recommendations are not based on data analysis, or fact.

In addition, certain statements within the report presented as factual are inaccurate. The part of the report that states, "... This year (2003) partly based on ILPP recommendations, the County created the Law & Justice Cabinet in part to deal with integration issues..." is inaccurate. The Cabinet was established to address and review the recommendations of the ILPP Report and to identify, establish, and prioritize potential areas of efficiency; never as a committee to deal with "integration issues."

Conclusions/Recommendations (pages 21-22)

Report Excerpt: *"Need for consolidated program management: One possible net consequence of all the efforts to find and implement efficiencies within the Law & Justice arena has been the establishment of multi-layers of oversight by the Executive, Legislative, and Judicial branches. In turn, these multi-layers have diluted or delayed the ability for the County to deliver or implement Law & Justice program efficiencies."*

Clerk's Objections & Comments: My experience as an active participant in numerous Law & Justice enterprises is, the current system is highly effective at identifying, evaluating and implementing programs that improve Law & Justice delivery systems. The projects identified (and a great many others not discussed) in this report indicate how successful current Law & Justice committees and groups have been in



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creating effective and efficient business practices.

Report Excerpt: *“The consolidation into a single entity with appropriate and sufficient authority could provide the necessary program control to maximize the County’s ability to execute program efficiencies within the Law & Justice arena. That entity would have final authority to make decisions within established budgetary limits set by the County Council resulting in a more timely implementation and faster realization of cost savings. Oversight consolidation should provide enhanced program prioritization, and a greater ability to estimate costs and savings.”*

Clerk’s Objections & Comments: This statement suggests a structure that violates the fundamental checks-and-balance system established by the state constitution and county charter. It is the legal responsibility of each elected official within the county structure to perform certain acts and duties. These duties are clearly defined and cannot be regulated to the “authority” of outside agencies/committees.

Report Excerpt: *“In order to expand the County’s ability to provide Law & Justice services, to diminish the diverse layers of Law & Justice oversight, and to achieve cost efficiencies, the County should consolidate the several committees reviewing specific areas dealing with Law & Justice.*

The Law & Justice Cabinet which has representation from the Executive, Council and Judicial branches is the ideal group to act as coordinator. For example, other independent oversight committees could coordinate with the Law & Justice Cabinet to implement program efficiencies as recommended and fund through Council authorization. The County Council in addition, could authorize some level of autonomous budgetary authority allowing for funding of selected programs and/or projects for implementation, thus reducing costly delays due to current approval process and multi-layers of oversight.

The basic tenet of that decision making process should look at cost vs. savings due to improved program integration or to lower bookings and average length of stay at the County Jail. If the costs associated with the proposed project are less than the costs associated with maintaining current County operational policy, that project should be considered for approval.”

Clerk’s Objections & Comments: The culture of Snohomish County’s Law & Justice Community has been one of cooperation, collaboration, and consensus building in dealing with system-wide issues and problems. There is sound justification for the existence of numerous L&J committees, workgroups, and taskforces. Although independently elected, the collective efforts of the county’s law and justice group have been commendable. There exists a commitment to purpose and the effective administration of justice.

I do not see this report providing any definitive analysis or data supporting the conclusions and recommendations. The report moves from analyzing some



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specific and unique programs, to setting forth the need to consolidate the “authority” of the three separate branches of government (executive, legislative, and judicial) into a single body.

This report as written suggests the “structure” used to create and implement efficient law and justice systems is ineffective. In reality the current structure works, and works well.



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**Bill Fosbre,
Director District
Court**

To: Martin Standel, Performance Auditor
From: Bill Fosbre, Director District Court
Date: March 26, 2004
RE: Comments to Final Report.

Listed below are District Court's comments to the Final Report (specifically the portion dealing with the FTA Study and accompanying recommendations). Please "cut and paste" them as appropriate into the document. Thank you very much for the opportunity to comment.

Page 14

"Based on preliminary findings, an average of 30.2% of defendants fail to show up for their arraignment hearing. Of the various controlled methods used in the study to contact individuals, the most productive approach is the use of post-cards. Early results have indicated that using this type of notification can reduce the percentages of failure to appear. Early results show that using post-cards may significantly reduce the current FTA rate of 30.2% to a rate of around 11%."

The District Court would disagree that the preliminary findings suggest that the "post-card" method for contacting defendants would be a productive approach to reducing the number of defendants who fail to appear at their hearing. Dr. Proctor's initial results concluded that none of the tested methods were statistically related to the FTA rate, which means that sending post cards did not reduce or increase, as actually occurred, the number of defendants who failed to appear. Sending postcards did not reduce FTAs on the whole. In his study, doing nothing resulted in a 30.2% FTA rate, while sending a post card resulted in a 33.7% FTA rate. What Dr. Proctor's study did demonstrate is that defendants are not providing accurate addresses to law enforcement, and this issue should be addressed before evaluating the reliability of the post card method as a means of reducing FTAs.

We also disagree with the suggestion that we look only at the FTA rate of those defendants who were "successfully contacted" by a post card as indication that the method is reliable. We would argue that defendants who provide current and accurate addresses to law enforcement are by nature more responsible individuals and less like to FTA even without being sent a post card, and the post card method had no impact on whether they attended the hearing. In addition, the timeframe for effectively mailing postcards is very limited at the District Court. Tickets are received within 2-5 days prior to the hearing. So, many times the postcards would arrive at the defendant's home on or after the date of arraignment.

Given the above comments, we would disagree with the Chart on Page 15 that indicates that the number of FTAs would be reduced from the "doing nothing" (4,284) category to "with post cards sent" (1,560) category. Finally, we believe the labor cost associated with the post card method does not accurately reflect the cost associated with verifying addresses. Address collection was done by hand from citations filed directly with the court. This took a significant amount of time beyond the labor costs associated with physically producing and mailing the cards. These costs would increase the overall cost of the project significantly (\$1.50 to \$2.00 a card??), and would need to be weighted against any possible jail



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bed savings. If there are no jail bed savings, then the post cards are waste of limited resources.

If the post card method is still to be utilized, our suggestion would be that law enforcement be responsible for mailing the post card to the defendant. Law enforcement is the best position to obtain current and accurate addresses and to mail them in a timely fashion.



Performance Audit Division – Report Evaluation

Our primary goal at the Performance Audit Division is to assist and advise County Management in achieving efficient, open and full accountability to the citizens of Snohomish County. Our mission is to provide County management with information that is accurate and unbiased. We strive to provide County management with recommendations, which will best serve them and County citizens in efficient use of our limited public resources.

Your feedback will enable us to facilitate your needs while improving our reporting process and structure. Please take a few minutes to complete the following:

Title: L&J Cabinet Project Efficiencies **Name:** _____

File Code: FCS04-L&JCabinet-2003 **Telephone No.:** _____

Please rate this report:

Too Little Just Right Too Much

Background Information	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Report Detail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Report Length	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ease of Understanding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Writing Clarity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Value of Recommendations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide any suggestion you may have on the following areas:

Report Format: _____

Additional Areas for Review: _____

Other Comments: _____

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